United Nations

Report of the Committee on the Elimination of Discrimination against Women

Thirty-seventh session
(15 January-2 February 2007)

Thirty-eighth session
(14 May-1 June 2007)

Thirty-ninth session
(23 July-10 August 2007)

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Sixty-second Session
Supplement No. 38 (A/62/38)

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Letter of transmittal

25 August 2007

I have the honour to refer to article 21 of the Convention on the Elimination of All Forms of Discrimination against Women, according to which the Committee on the Elimination of Discrimination against Women, established pursuant to the Convention, "shall, through the Economic and Social Council, report annually to the General Assembly of the United Nations on its activities".

The Committee on the Elimination of Discrimination against Women held its thirty-seventh session from 15 January to 2 February 2007, its thirty-eighth session from 14 May to 1 June 2007, and its thirty-ninth session from 23 July to 10 August 2007 at United Nations Headquarters. It adopted its reports on the sessions at the 773rd meeting, on 2 February 2007, the 791st meeting on 1 June 2007 and the 809th meeting on 10 August 2007, respectively. These three reports of the Committee are herewith submitted to you for transmission to the General Assembly at its sixty-second session.

(*Signed*) Dubravka **Šimonović**
Chairperson
Committee on the Elimination of Discrimination against Women

His Excellency Mr. Ban Ki-moon
Secretary-General of the United Nations
New York

Part one
Report of the Committee on the Elimination of Discrimination against Women on its thirty-seventh session
15 January-2 February 2007

Chapter I

Matters brought to the attention of States parties

Decisions

Decision 37/I

The Committee completed its second session, during which it met in parallel chambers for purposes of considering periodic reports submitted by States parties. It expresses its appreciation to all States parties which participated in a very active manner in the constructive dialogues with the Committee, the in-depth manner in which the dialogues were conducted as well as the time management on the part of delegations and experts, which contributed to the quality of the constructive dialogues.

The Committee recalls its decision 36/I, in which it anticipated that effective and timely implementation of all its responsibilities beyond the biennium 2006/07 would require that it be provided with extended meeting time in 2008 and beyond. The Committee has undertaken an assessment of the status of submission of reports in accordance with article 18 of the Convention, and in particular of the remaining backlog of reports awaiting consideration, the projected future availability of reports and the Committee's request to States parties with very long-overdue initial reports to submit those within a given time frame. The Committee has concluded that its workload, together with its other responsibilities under the Convention and those under the Optional Protocol to the Convention, make it necessary that the Committee be provided with the opportunity to hold three sessions per annum, of which at least one will meet in parallel chambers. The extended meeting time will ensure that the Committee can eliminate the backlog of reports awaiting consideration; ensure that incoming reports are considered in a timely manner; enhance its efforts at ensuring that monitoring of the implementation of the Convention in States parties with long-overdue reports is undertaken; and discharge all its other responsibilities under the Convention and the Optional Protocol.

The Committee therefore requests that provisions be made, within the programme budget for the biennium 2008-2009, for three sessions per annum, of which one will meet in parallel chambers.

Chapter II

Organizational and other matters

A. States parties to the Convention on the Elimination of All Forms of Discrimination against Women and to the Optional Protocol

1. As at 2 February 2007, the closing date of the thirty-seventh session of the Committee on the Elimination of Discrimination against Women, there were 185 States parties to the Convention on the Elimination of All Forms of Discrimination against Women, which was adopted by the General Assembly in its resolution 34/180 of 18 December 1979 and opened for signature, ratification and accession in New York in March 1980. In accordance with article 27, the Convention entered into force on 3 September 1981. Forty-eight States parties had accepted the amendment to article 20, paragraph 1, of the Convention concerning the Committee's meeting time.

2. On the same date, there were 84 States parties to the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, which was adopted by the General Assembly in its resolution 54/4 of 6 October 1999 and opened for signature, ratification and accession in New York on 10 December 1999. In accordance with article 16, the Optional Protocol entered into force on 22 December 2000.

3. A list of States parties to the Convention, a list of States parties that have accepted the amendment to article 20, paragraph 1, concerning the Committee's meeting time, and a list of States parties that have signed, ratified or acceded to the Optional Protocol to the Convention are contained in annexes I to III to part three of the present report.

B. Opening of the session

4. The Committee held its thirty-seventh session at United Nations Headquarters from 15 January to 2 February 2007. The Committee held 18 plenary meetings (756th to 773rd); 14 meetings (757th to 770th) took place in parallel chambers. The Committee also held 10 meetings to discuss agenda items 6, 7, 8 and 9. A list of the documents before the Committee is contained in annex IV to part three of the present report.

5. The Assistant Secretary-General and Special Adviser to the Secretary-General on Gender Issues and Advancement of Women, Rachel Mayanja, who acted as temporary Chairperson, opened the session.

6. The Assistant Secretary-General and Special Adviser to the Secretary-General on Gender Issues and Advancement of Women, Rachel Mayanja, and the Director of the Division for the Advancement of Women, Carolyn Hannan, addressed the Committee at its 756th meeting.

C. Solemn declaration

7. At the 756th (opening) meeting of the thirty-seventh session of the Committee, before assuming their functions, the members elected at the fourteenth meeting of

States parties to the Convention, on 23 June 2006, made the solemn declaration provided for under rule 15 of the Committee's rules of procedure. They were: Ferdous Ara Begum; Meriem Belmihoub-Zerdani; Saisuree Chutikul; Dorcas Ama Frema Coker-Appiah; Cees Flinterman; Naela Gabr Mohamed Gabre Ali; Hazel Gumede Shelton; Ruth Halperin-Kaddari; Violeta Neubauer; Pramila Patten; Fumiko Saiga; and Dubravka Šimonović.

D. Election of officers

8. At its 756th meeting, on 15 January 2007, the Committee, in accordance with article 19 of the Convention, elected by acclamation the following officers to serve for a term of two years: Dubravka Šimonović, Chairperson; Naela Gabr, Françoise Gaspard, Glenda Simms, Vice-Chairpersons; Shanthi Dairiam, Rapporteur.

E. Adoption of the agenda and organization of work

9. The Committee considered the provisional agenda (CEDAW/C/2007/I/1 and Corr.1) at its 756th meeting. The agenda was adopted as follows:

1. Opening of the session.
2. Solemn declaration by the new members of the Committee.
3. Election of officers.
4. Adoption of the agenda and organization of work.
5. Report of the Chairperson on activities undertaken between the thirty-sixth and thirty-seventh sessions of the Committee.
6. Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women.
7. Implementation of article 21 of the Convention on the Elimination of All Forms of Discrimination against Women.
8. Ways and means of expediting the work of the Committee.
9. Activities of the Committee under the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.
10. Provisional agenda for the thirty-eighth session of the Committee.
11. Adoption of the report of the Committee on its thirty-seventh session.

F. Report of the pre-session working group

10. At the 756th meeting, Dorcas Coker-Appiah introduced the report of the pre-session working group. The pre-session working group for the thirty-seventh session of the Committee met from 31 July to 4 August 2006 (CEDAW/PSWG/2007/I/CRP.1).

G. Organization of work

11. At the 756th meeting, the Chief of the Women's Rights Section, Division for the Advancement of Women, Christine Brautigam, introduced item 7, implementation of article 21 of the Convention (CEDAW/C/2007/I/3 and Add.1 and 3), and item 8, ways and means of expediting the work of the Committee (CEDAW/C/2007/I/4 and Add.1, and CEDAW/C/2007/I/2).

12. On 15 and 22 January 2007, the Committee held closed meetings with representatives of specialized agencies and bodies of the United Nations, in which country-specific information was provided as well as information on the efforts made by the body or entity concerned to promote the provisions of the Convention at the national and regional levels through its own policies and programmes.

13. On 15 and 22 January, the Committee held informal public meetings with representatives of non-governmental organizations, who provided information about the implementation of the Convention in States reporting at the thirty-seventh session, namely Austria, Azerbaijan, Colombia, Greece, India, Kazakhstan, Maldives, Netherlands, Nicaragua, Peru, Poland, Suriname, Tajikistan and Viet Nam.

H. Membership of the Committee

14. A list of members of the Committee, indicating the duration of their terms of office, is contained in annex V to part three of the present report.

Chapter III

Report of the Chairperson on the activities undertaken between the thirty-sixth and thirty-seventh sessions

15. At the 756th meeting, the report of the Chairperson on her activities undertaken since the thirty-sixth session was read out by Shanthi Dairiam.

Chapter IV

Consideration of reports submitted by States parties under article 18 of the Convention

A. Introduction

16. At its thirty-seventh session, the Committee considered the reports of 15 States parties submitted under article 18 of the Convention: the combined initial, second and third periodic report of one State party; the second periodic report of one State party; the combined second and third periodic reports of four States parties; the third periodic report of one State party; the fourth periodic reports of one State party; the combined fourth and fifth periodic report and the sixth periodic report of one State party; the combined fifth and sixth periodic reports of two States parties; and the sixth periodic reports of four States parties.

17. The Committee prepared concluding comments on each of the States parties' reports considered. The Committee's concluding comments are set out below.

B. Consideration of reports of States parties

1. Combined initial, second and third periodic reports

Tajikistan

18. The Committee considered the combined initial, second and third periodic report of Tajikistan (CEDAW/C/TJK/1-3) at its 771st and 772nd meetings, on 26 January 2007 (see CEDAW/C/SR.771 and 772). The Committee's list of issues and questions is contained in CEDAW/C/TJK/Q/3, and the responses of the Government of Tajikistan are contained in CEDAW/C/TJK/Q/3/Add.1.

Introduction

19. The Committee commends the State party for its accession to the Convention on the Elimination of All Forms of Discrimination against Women without reservations. It expresses its appreciation to the State party for its combined initial, second and third periodic report, which complied with the Committee's guidelines for preparation of reports, while regretting that the report was overdue and did not make reference to the Committee's general recommendations.

20. The Committee expresses its appreciation to the State party for submitting its written replies to the list of issues and questions posed by the Committee's pre-session working group and for the oral presentation and further clarifications given in response to the questions posed orally by the Committee, but notes that some questions remained unanswered.

21. The Committee commends the State party on sending a delegation headed by the Chief of the Department of Constitutional Guarantees of the Rights of Citizens in the Executive Office of the President, and including representatives from the Committee for Women and Family Affairs, the State Committee for Statistics and the Ministries of Justice, Health and Foreign Affairs. It expresses its appreciation to the State party for the frank and constructive dialogue with the Committee.

22. The Committee commends the State party for having ratified the seven major international human rights instruments, the implementation of which enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life.

Positive aspects

23. The Committee commends the State party for its political will and commitment to fulfil the legal obligations established by the Convention, as expressed also in: the Constitution, which includes the principle of equality of women and men; the framework Law on State Guarantees of Equal Rights for Men and Women and Equal Opportunities in the Exercise of Such Rights of 2005 (hereinafter the Law on State Guarantees), which contains a definition of discrimination against women that corresponds to the definition in article 1 of the Convention, prohibiting discrimination in any sphere and obliging public authorities to ensure gender equality; and legislation in various areas, including the Family Code (1998), the Trafficking in Persons Act (2004) and the Microcredit Organizations Act (2004).

24. The Committee welcomes the institutional arrangements put in place by the State party that contribute to the implementation of the Convention, including the creation of a Government commission on implementation of Tajikistan's international human rights obligations; the designation of a Deputy Prime Minister to oversee questions relating to the status of women; the creation of the Committee on Women and Family with a gender division and local branch offices in all local government offices to promote and implement a policy for the advancement of women; the creation of the Parliamentary Committee on Social Issues, the Family, Health Care and the Environment; the establishment of gender focal points in ministries; and the creation of the Coordinating Council on Gender Problems in the Ministry of Labour and Social Protection and the State Labour Inspectorate to monitor discrimination against women in the labour market and labour exchange offices for women in some provinces.

25. The Committee commends the State party on decrees and programmatic decisions that provide a basis for the implementation of international human rights obligations of Tajikistan, including women's human rights, such as: the Presidential Decree of 3 December 1999 on enhancing the role of women in society; the State programme entitled "Guidelines for a State policy to ensure equal rights and equal opportunities for men and women of the Republic of Tajikistan for the period 2001-2010"; and the programme entitled "State system of human rights education in the Republic of Tajikistan" (2001). The Committee further commends the State party on the National Plan of Action for Enhancing the Status and Role of Women for the period 1998-2005.

26. The Committee commends the State party on the work of the State Committee for Statistics in general, and in particular on its work on the development of gender indicators for the poverty reduction strategies.

Principal areas of concern and recommendations

27. **While recalling the State party's obligation to systematically and continuously implement all the provisions of the Convention, the Committee**

views the concerns and recommendations identified in the present concluding comments as requiring the State party's priority attention between now and the submission of the next periodic report. Consequently, the Committee calls upon the State party to focus on those areas in its implementation activities and to report on actions taken and results achieved in its next periodic report. It also calls upon the State party to submit the present concluding comments to all relevant ministries and to the Parliament so as to ensure their full implementation.

28. The Committee notes the declaratory nature of the Law on State Guarantees and is concerned that the law is silent on operational aspects needed to ensure that the equality guarantees are realized and to clarify how cases of discrimination against women are to be resolved, damages awarded or other effective remedies given for violations of its provisions.

29. **The Committee urges the State party to intensify its efforts to protect women against acts of discrimination by clearly establishing explicit linkages between the Law on State Guarantees and other relevant legislation in areas covered by the Law and the Convention. The Committee invites the State party to consider an amendment of the Law on State Guarantees in order to clarify its operational aspects. It further urges the State party to strengthen existing complaints mechanisms, such as the Special Department on Citizen Rights to which the delegation referred, which had been created to hear complaints from women and men whose rights had allegedly been violated. It also recommends that the State party enable the Committee on Women and the Family to effectively monitor the Law on State Guarantees, through inter-institutional involvement at all levels.**

30. The Committee is concerned that there have been very few court cases in the areas of domestic violence against women, polygamy, exploitation of prostitution and trafficking in persons. It is further concerned about the absence of court cases in other areas of women's lives.

31. **The Committee calls upon the State party to ensure that the Convention and relevant domestic legislation, in particular the Law on State Guarantees, are made an integral part of the education given in law departments of universities and be made available in modules in the further education available to the Judges Study Centre of the Council of the Judiciary, in order to firmly establish a legal culture supportive of women's equality and non-discrimination in the country. It also invites the State party to enhance women's awareness of their rights through ongoing legal literacy programmes and legal assistance through women's centres as well as the creation of additional centres with legal expertise in all regions of the country. It encourages the State party to disseminate and raise awareness about the Convention, in particular with regard to the meaning and scope of direct and indirect discrimination, and about formal and substantive equality.**

32. While welcoming the efforts of the Committee on Women and the Family to, inter alia, implement Government policies and plans on gender equality, the Committee is concerned that this national machinery for the advancement of women is insufficiently resourced in terms of budget, staffing and coordination capacity, and is therefore unable to fully and effectively carry out its wide-ranging functions,

including coordination across ministries at the national level and of regional and local bodies.

33. **The Committee recommends that the State party strengthen the Committee on Women and the Family and ensure that it has adequate resources and the ability and opportunity to advise on the development of all government policies on gender equality, draft, review and monitor legislation and its implementation and perform policy analysis as well as analysis of its implementation. Its increased strength should also enable it to mainstream gender equality concerns into all laws, policies and national plans across ministries and in *oblast*, *rayon* and local bodies. It encourages the State party to review and strengthen the mandate of the gender focal points in the national ministries, which is currently fulfilled on a voluntary basis. The Committee further recommends that the State party strengthen its awareness-raising and capacity-building programmes for civil servants about the Convention and gender equality by making the educational programme, "State service and gender: action areas", of the Tajik Public Servants Further Training Institute available to all civil servants.**

34. While noting that in accordance with article 10 of the Constitution, international legal instruments accepted by Tajikistan are an integral part of its domestic legal system, the Committee is concerned that there does not seem to be an explicit basis for or reference to temporary special measures in domestic legislation, although the Law on State Guarantees does mention the application of practical measures for the implementation of the provisions of the Law as exceptions to the prohibition of discrimination in article 3. Furthermore, although quotas have been used in some areas, including certain competitive job placements, in the promotion of women in State structures and the admission into institutions of higher learning of girls from remote mountainous regions, temporary special measures have not been utilized by the State party as a matter of general policy to accelerate the achievement of the de facto equality between women and men in all areas of the Convention.

35. **The Committee encourages the State party to legally clarify the application of such measures in all areas covered by the Convention and the Law on State Guarantees and to utilize them effectively in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25.**

36. The Committee is concerned about the resurgence of patriarchal attitudes subordinating women and of strong stereotypes regarding their roles and responsibilities in the family and society in the context of the breakdown of the previous political system, the civil war (1992-1997) and rampant poverty. These attitudes and stereotypes present a significant impediment to the implementation of the Convention and are a root cause of women's disadvantaged position in the labour market, their difficulties in accessing their land rights, the continuing existence of polygamy, domestic violence and the high dropout rates of girls from school.

37. **The Committee calls upon the State party to implement comprehensive measures, in particular in rural areas, to initiate change in the widely accepted subordination of women and the stereotypical roles applied to both sexes. Such measures should include awareness-raising and educational campaigns**

addressing religious and community leaders, parents, teachers, officials and young girls and boys themselves, in accordance with the obligations under articles 2 (f) and 5 (a) of the Convention. The Committee also recommends that the State party encourage the media to discuss and promote non-stereotypical and positive images of women and promote the value of gender equality for society as a whole. In this context, the Committee reminds the State party of its obligation under paragraph 2 of article 19 of the Law on State Guarantees, according to which the organs of the State must publish annual reports on their implementation of the Law in the mass media of Tajikistan. Such annual reports could include discussions on the elimination of gender-role stereotypes.

38. While welcoming the State party's measures taken to combat violence against women, including the establishment of 13 crisis centres and a shelter for victims of violence, the draft Bill on Social and Legal Protection Against Domestic Violence, the creation of the Coordinating Council of the law-enforcement authorities and increased penalties for all forms of violence against women, the Committee is concerned about the prevalence of domestic violence perpetrated against women and girls.

39. **The Committee urges the State party to give priority to eliminating all forms of violence against women, in particular domestic violence, and to adopt comprehensive measures to address it in accordance with its general recommendation 19. The Committee calls upon the State party to enact, without delay, the existing draft bill on social and legal protection against domestic violence. Such legislation should ensure that: violence against women and girls constitutes a criminal offence; women and girls who are victims of violence have access to immediate means of redress and protection, including protection orders and availability of a sufficient number of shelters; and perpetrators are prosecuted and adequately punished. The Committee recommends the implementation of training for parliamentarians, the judiciary and public officials, in particular law enforcement personnel and health-service providers, ensuring that they are sensitized to all forms of violence against women, in particular domestic violence, and can provide adequate support to victims. It also recommends further public awareness-raising campaigns on the unacceptability of violence against women.**

40. While welcoming measures taken by the State party to combat human trafficking, including its accession to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, and the establishment of an interdepartmental commission to combat trafficking in persons, the Committee is concerned that Tajikistan remains a country of origin and transit for trafficked women and girls. The Committee is also concerned about the exploitation of women and girls who resort to prostitution as a means of survival.

41. **The Committee calls on the State party to effectively implement its comprehensive programme to combat trafficking in persons for the period 2006-2010, to effectively enforce the Trafficking in Persons Act and to intensify international, regional and bilateral cooperation on the basis of agreements in order to further curb the phenomenon. The Committee requests the State party to strengthen measures aimed at alleviating women's dire social and economic situation, in particular the situation of young women, to put services in place**

for the rehabilitation and reintegration of women and girls involved in prostitution and to support women who wish to stop practicing prostitution.

42. Despite article 8 of the Law on State Guarantees that aims to ensure that male and female candidates should be represented equally on election lists, the Committee is concerned at women's low representation in political bodies, especially in the national Parliament. The Committee is also concerned about the practice of "family voting" during elections, whereby one family member, usually male, votes for the entire family, especially in rural areas. The Committee is further concerned at women's low representation in the higher echelons of public service and the Foreign Service.

43. **The Committee requests the State party to undertake national awareness-raising campaigns about the importance of women's participation in public and political life, specifically about the obstacles that women encounter in rural areas. It urges the State party to increase women's representation in political and public life, including at the international level. The Committee encourages the State party to review the use of temporary measures according to article 4, paragraph 1, of the Convention and in the Committee's general recommendations 25 and 23. The application of such measures to increase women's political representation should include the establishment of benchmarks with timetables or quotas. The Committee encourages the State party to continue to conduct training programmes to increase women's active participation in political life, such as those run by the Central Elections and Referendums Commission of the Republic of Tajikistan, with the involvement of representatives of political parties, non-governmental organizations and women who want to move into political life. It also urges the State party to review the entire election process for discriminatory elements from a gender perspective and to consider waiving the registration fee for women candidates. It further urges the State party to establish legal safeguards that would prevent the practice of family voting and to continue to conduct educational campaigns seeking to explain that voting for others is not acceptable and could invalidate the results of elections.**

44. While noting that some efforts have been made in the area of education, including salary increases for teachers and scholarship programmes, the Committee is concerned that, owing to a number of factors, including dire poverty and social stereotypes concerning women's roles and responsibilities, there is a noted rate of non-attendance by girl children at the primary school level, there is a sharp decline in the enrolment of girls at the secondary school level and there is a low enrolment rate of female students in institutes of higher education. The Committee is also concerned about the high dropout rates of girls.

45. **The Committee urges the State party to place high priority on educating women and girls and to immediately take all appropriate measures, including temporary special measures, in accordance with article 4, paragraph 1, of the Convention and in the Committee's general recommendation 25, to eliminate the disparity in school enrolment rates and to achieve universal primary education for girls in accordance with its international obligations under the Convention and other commitments. It urges the State party to address the obstacles effectively which prevent girls from attending school or continuing their education. The Committee recommends that the image of teachers be**

improved through further salary increases, the media and other public forums. The Committee also recommends that additional training be provided to teachers to update their knowledge and teaching methods in the current context of gender equality, democracy and market opportunities. The Committee further recommends that: communities be mobilized, with the help of community leaders and local authorities, in favour of the education of girls; seminars be held and awareness-raising activities undertaken with a focus on helping parents to understand the important role of education for girls; and education for girls be made affordable and special measures be implemented to allow girls and women who have dropped out of school to re-enter the education system in an age-appropriate classroom environment. It also requests the State party to continue to review all school textbooks to eliminate gender-role stereotypes.

46. Despite numerous legal and other measures geared towards eliminating discrimination against women in employment, the Committee expresses concern about the situation of women in the labour market, which is characterized by high unemployment of women, concentration of women in lower-paying sectors, such as health care, education and agriculture, and in the informal sector, and by the resulting wage gap between women and men. The Committee is also concerned about different retirement ages for women and men.

47. **The Committee urges the State party to ensure that there are equal opportunities for women and men in the labour market through the implementation of the relevant sections of the Law on State Guarantees and the Labour Law. The State party is urged to make efforts to increase women's access to complaint mechanisms and courts so that discriminatory acts by private and public employers will be sanctioned and eliminated. It encourages the State party to provide the newly created State Labour Inspectorate with sufficient budgetary resources and staff so that it can adequately fulfil its functions. It recommends that current efforts to train and retrain women and to place them in sustainable as well as non-traditional jobs be increased through the provision of resources and the creation of relevant training institutions. It also recommends that the State party make greater use of temporary special measures, in accordance with article 4, paragraph 1, of the Convention, the Committee's general recommendation 25 and the Law on State Guarantees, by applying numerical goals with timetables or quotas in respect of girls' access and retention in vocational training, including for non-traditional jobs, and the promotion of women into the upper levels of the public sector. The Committee encourages the State party to continue its efforts to raise salaries in female-dominated sectors of the State budget economy and to make these efforts a matter of priority. It recommends that the State party adopt the same age of mandatory retirement for women and men, with a view of giving them the same opportunities, including the elimination of any discrimination against women in the actual pensions paid.**

48. While noting the various efforts made by the State party to improve reproductive health care for women, including through the National Reproductive Health Strategic Plan (2005-2014) and other plans, the training of birth assistants in the rural areas through the establishment of new networks for family planning and reproductive health services and the 2006 Law on breastfeeding, the Committee is seriously concerned about the limited access to adequate health-care services for

women, especially women in rural areas. It is concerned about the high maternal and infant mortality rates, the low contraceptive prevalence rate and the reported lack of knowledge of young girls about HIV/AIDS.

49. **The Committee recommends that the State party continue, with the assistance of international agencies if necessary, to take measures to improve women's access to general health care, and reproductive health care, services in particular. It calls on the State party to increase its efforts to improve the availability of sexual and reproductive health services, including family planning, to mobilize resources for that purpose and to monitor the actual access to those services by women. It further recommends that family planning and reproductive health education be widely promoted and targeted at girls and boys, with special attention to the prevention of early pregnancies of girls in underage marriages and the control of sexually transmitted diseases and HIV/AIDS. The Committee requests the State party to include in its next report further information, especially trends over time and covering the life cycle of women, on: women's general and reproductive health, including the rates and causes of morbidity and mortality of women in comparison with men, in particular maternal mortality; contraceptive prevalence rates; spacing of children; diseases affecting women and girls, in particular various forms of cancer; and updated information on the efforts of the State party to improve women's access to health-care services, including family planning and services directed towards cancer prevention and treatment. It also requests the State party to include information about monitoring and evaluation mechanisms in place for health-related strategies.**

50. The Committee is concerned about the situation of girls and women in rural areas in terms of their access to adequate health care, education and employment. The Committee is concerned about the vulnerable situation of women widowed by the civil war, women whose husbands have migrated for work and other single women heads of household. It is concerned about lack of women's knowledge in respect of their rights to property and their marriage rights and about the negative impact of stereotypes regarding women's roles and activities as they affect women's access to land ownership, management of farms and the marketing of farm products.

51. **The Committee urges the State party to make special efforts to protect and ensure the rights of rural women, including single women heads of household, to land ownership, management of land and marketing of products by providing them with legal, management and business training and by simplifying the process of registration of private farms. It encourages the State party to modify existing gender-role stereotypes through awareness-raising campaigns targeted at community and religious leaders, teachers, parents, girls and boys. The State party is also encouraged to enable the participation of rural women in decision-making at the local, regional and national levels through training. The Committee requests the State party to include in its next report sex-disaggregated data and information on the de facto situation of rural women of all ages in the areas of land ownership, income generating activities, health and education, as well as the concrete measures taken by the State party in that respect, including results achieved.**

52. The Committee is concerned at the increasingly high number of women in monogamous unions based only on a religious ceremony without any legal effect to

which civil registration is not sought for a variety of reasons. The Committee is also concerned that polygamous unions are not uncommon, despite being illegal and prohibited by law, and by the fact that second and subsequent wives do not have any rights concerning property, inheritance or maintenance. It is also concerned that the legal age of marriage in Tajikistan has been reduced to 17.

53. **The Committee urges the State party to strengthen its efforts to prohibit and prevent unregistered unions through awareness-raising campaigns on the negative effects of such unions vis-à-vis women's rights, improving access to registration offices and lowering registration fees. It encourages the State party to review legal and administrative regulations in order to prevent religious unions from taking place without verification that a civil marriage has been registered first. The Committee also recommends that the State party cooperate with *khukumats* (local executive bodies) and *jamoats* (administrative bodies) to establish positive public opinion about legal norms regarding registration of marriages. The Committee also urges the State party to make efforts to eliminate the causes that lead to polygamous unions and develop strategies targeted at parents and religious leaders to prevent such unions. It encourages the State party to review its penal law in order to also apply sanctions to those who perform such unions. While recognizing the legal situation that forbids polygamous unions, the Committee urges the State party to review the vulnerable situation of second and subsequent wives in currently existing polygamous unions, with a view to ensuring their economic rights. The Committee urges the State party to revert to 18 years as the minimum legal age of marriage for women and men, in line with the Committee's general recommendation 21 and the Convention on the Rights of the Child.**

54. Despite the fact that family relations in Tajikistan are legally regulated in conformity with the principles of the Convention, the Committee is concerned that forced marriages continue to take place within the context of traditional cultural patterns of behaviour, including with women below the legal age for marriage. The Committee is further concerned about the vulnerable situation of Tajik migrant women who have been forced into marriage in receiving countries.

55. **The Committee urges the State party to enforce its prohibition of forced marriage and to engage in bilateral and subregional cooperation to combat forced marriages of Tajik women across borders and to arrange for their rehabilitation and social reintegration.**

56. The Committee notes that the report was lacking in information and statistics about particularly vulnerable groups of women, including elderly women and disabled women who often suffer from forms of multiple discrimination.

57. **The Committee requests the State party to provide, in its next report, a comprehensive picture of the de facto situation of vulnerable groups of women, including elderly women and disabled women, in all areas covered by the Convention.**

58. **The Committee calls upon the State party to involve *oblast, rayon* and local authorities in the preparation of the future periodic reports under article 18 of the Convention and in the follow-up to the Committee's concluding comments. The Committee also recommends that ongoing and systematic consultations with a broad range of women's non-governmental organizations**

on all issues pertaining to the promotion of gender equality be ensured, including in regard to the follow-up to the Committees concluding comments and in the preparation of future reports.

59. **The Committee encourages the State party to ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women and to accept, as soon as possible, the amendment to article 20, paragraph 1, of the Convention concerning the meeting time of the Committee.**

60. **The Committee urges the State party to utilize fully in its implementation of its obligations under the Convention, the Beijing Declaration and the Platform for Action, which reinforce the provisions of the Convention, and requests the State party to include information thereon in its next periodic report.**

61. **The Committee also emphasizes that a full and effective implementation of the Convention is indispensable for achieving the Millennium Development Goals. It calls for the integration of a gender perspective and explicit reflection of the provisions of the Convention in all efforts aimed at the achievement of the Goals and requests the State party to include information thereon in its next periodic report.**

62. **The Committee requests the wide dissemination in Tajikistan of the present concluding comments in order to make the people, including government officials, politicians, parliamentarians and women's and human rights organizations, aware of the steps that have been taken to ensure de jure and de facto equality of women, as well as the further steps that are required in that regard. The Committee requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Convention, its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and the Platform for Action and the outcome of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".**

63. **The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report under article 18 of the Convention. The Committee invites the State party to submit its fourth periodic report, which was due in November 2006, and its fifth periodic report, due in November 2010, in a combined report in 2010.**

2. Second periodic report

Kazakhstan

64. The Committee considered the second periodic report of Kazakhstan (CEDAW/C/KAZ/2) at its 757th and 758th meetings, on 16 January 2007 (see CEDAW/C/SR.757 and 758). The Committee's list of issues and questions is contained in CEDAW/C/KAZ/Q/2, and Kazakhstan's responses are contained in CEDAW/C/KAZ/Q/2/Add.1.

Introduction

65. The Committee expresses its appreciation to the State party for its second periodic report, which followed the Committee's guidelines for the preparation of

reports and has taken into account the Committee's previous concluding comments, while regretting that it provided insufficient statistical data disaggregated by sex. The Committee commends the State party for the written replies to the list of issues and questions raised by the pre-session working group, and for the oral presentation and additional written information, which elaborated on the recent developments in the implementation of the Convention in Kazakhstan, and for the responses to the questions posed orally by the Committee.

66. The Committee commends the State party for having sent a high-level delegation, headed by the Chairperson of the National Commission on Family Affairs and Gender Policy, and which included members of Parliament and the Supreme Court and specialists from various Ministries and Government offices. The Committee appreciates the constructive dialogue that took place between the delegation and the members of the Committee.

67. The Committee commends the State party for the ratification, in August 2001, of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.

Positive aspects

68. The Committee commends the State party for its continued commitment and political will to implement the Convention and on the range of initiatives aimed at eliminating discrimination against women and promoting gender equality, including the Strategy for Gender Equality in the Republic of Kazakhstan 2006-2016 and the 2006-2008 Plan of Measures for implementing the Strategy for Gender Equality in the Republic of Kazakhstan, as well as the establishment of the office of the Human Rights Representative (Ombudsman) and of gender focal points in government agencies who are responsible for the development and implementation of gender policy within their respective areas.

69. The Committee welcomes the measures carried out by the State party to combat trafficking in women and girls, in particular the amendments to the Criminal Code and to other laws, the establishment of the Interdepartmental Commission for Suppressing the Unlawful Removal, Import or Traffic in Persons, and the adoption of the 2006-2008 government action plan to combat and prevent crimes linked to trafficking in persons.

70. The Committee welcomes the expansion of powers of the national machinery for the advancement of women and notes that it has been renamed the National Commission on Family Affairs and Gender Policy, with its Chairperson reporting directly to the President of the Republic of Kazakhstan.

Principal areas of concern and recommendations

71. **While recalling the State party's obligation to systematically and continuously implement all the provisions of the Convention, the Committee views the concerns and recommendations identified in the present concluding comments as requiring the State party's priority attention between now and the submission of the next periodic report. Consequently, the Committee calls upon the State party to focus on those areas in its implementation activities and to report on action taken and results achieved in its next periodic report. It calls**

on the State party to submit the present concluding comments to all relevant ministries and to Parliament so as to ensure their full implementation.

72. The Committee is concerned that the provisions of the Convention, the Optional Protocol and the general recommendations of the Committee are not sufficiently known, including by judges, lawyers and prosecutors, and by women themselves, as indicated by the absence of any court decisions that refer to the Convention.

73. **The Committee calls on the State party to take more active measures to disseminate information about the Convention, the procedures under the Optional Protocol and the Committee's general recommendations, and to implement programmes for prosecutors, judges, ombudspersons and lawyers that cover all relevant aspects of the Convention and the Optional Protocol. It also recommends that sustained awareness-raising and legal literacy campaigns targeting women, including rural women, as well as non-governmental organizations working on women's issues, be undertaken to encourage and empower women to avail themselves of available procedures and remedies for violations of their rights under the Convention.**

74. While noting the elaboration of the draft law on equal rights and equal opportunities, the Committee is concerned about the apparent limited understanding in the State party of the concepts of formal and substantive equality and of the prohibition of direct and indirect discrimination against women contained in the Convention.

75. **The Committee requests the State party to ensure that the draft law on equal rights and equal opportunities contains a definition of discrimination in line with article 1 of the Convention, encompassing both direct and indirect discrimination, and extending to acts of discrimination by public and private actors, and also calls on the State party to enact speedily the draft law. It urges the State party to undertake measures to eliminate discrimination against women and ensure both de jure (formal) and de facto (substantive) equality between women and men in line with the Convention. It encourages the State party to raise awareness with respect to the nature of indirect discrimination and the Convention's concept of substantive equality, among Government officials, the judiciary and the general public. It also calls upon the State party to ensure the full application of the principles of the Convention in laws, policies and programmes; to monitor, through measurable indicators, the impact of such laws, policies and programmes; and to evaluate progress achieved towards the practical realization of women's substantive equality with men.**

76. While noting the introduction of a number of courses on gender-related subjects in institutions of higher education, the Committee continues to be concerned about the persistence of patriarchal attitudes and deep-rooted stereotypes regarding the roles and responsibilities of women and men in the family and in society in Kazakhstan, which are reflected in women's educational choices, their situation in the labour market and their low level of participation in political and public life. The Committee is concerned about persistent stereotypes found in school textbooks.

77. **The Committee requests the State party to enhance the training of teaching staff in regard to gender equality issues and to revise educational textbooks to eliminate gender stereotypes. The Committee urges the State party to disseminate information on the Convention through all levels of the educational system, including human rights education and gender-sensitivity training, so as to change existing stereotypical views and attitudes about women's and men's roles. The Committee calls on the State party to further encourage diversification of the educational choices of boys and girls. It also urges the State party to encourage public dialogues on the educational choices girls and women make and their subsequent opportunities and chances in the labour market. It recommends that awareness-raising campaigns be addressed to both women and men and that the media be encouraged to project positive images of women and of the equal status and responsibilities of women and men in the private and public spheres.**

78. The Committee continues to be concerned about the prevalence of violence against women in Kazakhstan. While noting the elaboration of the draft law on domestic violence, it is concerned about delays in its adoption. It is also concerned about the lack of information on whether marital rape is criminalized and whether legislation prohibits sexual harassment.

79. **The Committee urges the State party to enact speedily the draft law on domestic violence and to make it widely known to public officials and society at large. The Committee calls upon the State party to ensure that all women who are victims of domestic violence, including rural women, have access to immediate means of redress and protection, including protection orders, and access to a sufficient number of safe shelters, as well as to legal aid. It calls on the State party to ensure that public officials, especially law enforcement personnel, the judiciary, health-care providers and social workers, are fully familiar with relevant legal provisions, and are sensitized to all forms of violence against women and adequately respond to them. It urges the State party to conduct research on the prevalence, causes and consequences of domestic violence to serve as the basis for comprehensive and targeted intervention and to include the results of such research, and of the impact of follow-up action taken, in its next periodic report. The Committee requests the State party to ensure that marital rape is criminalized and that there is legislation prohibiting sexual harassment.**

80. While noting the legislative and other measures taken to combat human trafficking, including the amendments to the Criminal Code and other laws, the adoption of the 2006-2008 government action plan to combat and prevent crimes linked to trafficking in persons and the establishment of the Interdepartmental Commission for Suppressing the Unlawful Removal, Import or Traffic in Persons, the Committee remains concerned about the persistence of trafficking in women and girls in Kazakhstan.

81. **The Committee calls upon the State party to ensure that legislation on trafficking is fully enforced and that the action plan and other measures to combat human trafficking are fully implemented and their impact regularly monitored and evaluated. The Committee urges the State party to collect and analyse data from the police and international sources, prosecute and punish traffickers, and ensure the protection of the human rights of trafficked women**

and girls. It also recommends that the State party address the root cause of trafficking by increasing its efforts to improve the economic situation of women, thereby eliminating their vulnerability to exploitation and traffickers, and take measures for the rehabilitation and social integration of women and girls who are victims of trafficking. The Committee requests the State party to provide, in its next report, comprehensive information and data on trafficking in women and girls and on exploitation of prostitution, and on the measures taken to prevent and combat such activities, including their impact.

82. While noting the strengthening of the national machinery for the advancement of women, in particular the National Commission on Family Affairs and Gender Policy under the President of the Republic of Kazakhstan, the Committee is concerned that the Commission may lack sufficient authority, decision-making power and financial and human resources to coordinate effectively the Government's work to promote gender equality and the full implementation of the Convention, including coordination and cooperation with all other gender equality and human rights mechanisms at the national and local levels.

83. **The Committee recommends that the State party further strengthen the national machinery for the advancement of women and provide it with the authority, decision-making power and human and financial resources that are necessary to work effectively for the promotion of gender equality and the enjoyment of women's rights. This should include capacity for effective coordination and cooperation among the various gender equality and human rights mechanisms and with civil society.**

84. While noting the proposal for quotas aimed at having no less than 30 per cent of women in political institutions, which the delegation stated was included in the draft law on equal rights and equal opportunities, the Committee is concerned about the continuing underrepresentation of women in public and political life and in decision-making positions, including in Parliament, local representative bodies, the executive bodies of the Government and local government, as well as in diplomacy.

85. **The Committee encourages the State party to speedily adopt and implement the proposal aimed at having at least 30 per cent of women in political institutions, and to take other sustained measures, including temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendations 25 and 23, to accelerate women's full and equal participation in elected and appointed bodies, including at the international level. Such measures should include establishing of benchmarks, numerical goals and timetables, conducting training programmes on leadership and negotiation skills for current and future women leaders, as well as regular monitoring of progress made and results achieved. It further urges the State party to undertake campaigns to raise awareness about the importance of women's participation in public and political life and at decision-making levels.**

86. While noting some wage increases in female-dominated sectors, the Committee continues to be concerned about the occupational segregation between women and men in the labour market and the persistent wage gap, as well as the high level of unemployment among women. The Committee is also concerned about the absence of legislation providing for equal pay for work of equal value. The Committee continues to be concerned about the manner in which social benefits and

protective labour legislation is structured as this could create continued obstacles to the employment of women.

87. **The Committee recommends that efforts be strengthened to eliminate occupational segregation, both horizontal and vertical, and to adopt measures to narrow and close the wage gap between women and men, for example by linking job evaluation schemes in the public sector with continued wage increases in sectors dominated by women. It also recommends that efforts be strengthened to ensure women's access to vocational training. The Committee urges the State party to introduce legislative provisions on equal pay for work of equal value. The Committee recommends that the State party continue to review the current structure of social benefits and the content of protective legislation, and to revise them as necessary so as to reduce the barriers women face in the labour market. It invites the State party to include the results of that review, and further measures taken, in its next report. The Committee requests the State party to provide in its next report detailed information, including statistical data indicating trends over time, about the situation of women in the area of employment in the public, private, formal and informal sectors and about the impact of measures taken to realize equal opportunities for women.**

88. The Committee is concerned about limited access to adequate health-care services for women, particularly women in rural areas. It is concerned about the negative health implications for women using intrauterine devices, which seem to be the predominant method of contraception, without proper medical checkup, and that a comprehensive range of contraceptives is not widely available. The Committee is concerned about the prevalence of teenage pregnancy, and the still high abortion rate which indicates that abortion may be used as a method of contraception.

89. **The Committee urges the State party to take concrete measures to enhance and monitor affordability and access to health-care services for women, including in rural areas, in accordance with article 12 of the Convention and the Committee's general recommendation 24 on women and health. It requests the State party to strengthen measures aimed at the prevention of unwanted pregnancies, especially among teenagers. Such measures should include monitoring any negative effects of the use of intrauterine devices, making a comprehensive range of contraceptives available more widely and without any restrictions and increasing knowledge about family planning. The Committee requests the State party to include in its next report further information on women's health and on the impact of measures it has taken to improve women's health and access to health-care services, including family planning.**

90. The Committee is concerned about the lack of information on the situation of rural women and elderly women in the areas covered by the Convention.

91. **The Committee requests the State party to provide, in its next report, a comprehensive picture of the de facto situation of rural women and elderly women in all areas covered by the Convention, including with respect to pension benefits and reform.**

92. The Committee is concerned about the existence of marriages involving girls under 18, and of religious or traditional marriages, which are not registered and can violate women's rights.

93. **The Committee requests the State party to implement fully the laws on marriage and family which set the age of marriage at 18 years for both women and men and to adopt measures which are aimed at bringing religious and traditional marriages in line with the Convention. It requests the State party to include in its next report information on the measures taken in this regard.**

94. **The Committee encourages the State party to accept, as soon as possible, the amendment to article 20, paragraph 1, of the Convention concerning the meeting time of the Committee.**

95. **The Committee urges the State party to utilize fully, in its implementation of the obligations under the Convention, the Beijing Declaration and Platform for Action, which reinforce the provisions of the Convention, and requests the State party to include information thereon in its next periodic report.**

96. **The Committee also emphasizes that a full and effective implementation of the Convention is indispensable for achieving the Millennium Development Goals. It calls for the integration of a gender perspective and the explicit reflection of the provisions of the Convention in all efforts aimed at the achievement of the Millennium Development Goals, and requests the State party to include information thereon in its next periodic report.**

97. **The Committee notes that States' adherence to the seven major international human rights instruments[1] enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. Therefore, the Committee encourages the Government of Kazakhstan to consider ratifying the treaty to which it is not yet a party, namely, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.**

98. **The Committee requests the wide dissemination in Kazakhstan of the present concluding comments in order to make the people, including government officials, politicians, parliamentarians and women's and human rights organizations, aware of the steps that have been taken to ensure the de jure and de facto equality of women, as well as the further steps that are required in that regard. The Committee requests that the State party continue to disseminate widely, in particular to women's and human rights organizations, the Convention, its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".**

99. **The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report under article 18 of the Convention. The Committee invites the State party to submit**

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[1] The International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

its third periodic report, which is due in September 2007, and its fourth periodic report, which is due in September 2011, in a combined report in 2011.

3. Combined second and third periodic reports

Azerbaijan

100. The Committee considered the combined second and third periodic report of Azerbaijan (CEDAW/C/AZE/2-3) at its 765th and 766th meetings, on 23 January 2007 (see CEDAW/C/SR.765 and CEDAW/C/SR.766). The Committee's list of issues and questions is contained in CEDAW/C/AZE/Q/3, and Azerbaijan's responses are contained in CEDAW/C/AZE/Q/3/Add.1.

Introduction

101. The Committee expresses its appreciation to the State party for its combined second and third periodic report, which followed the Committee's guidelines for the preparation of reports and has taken into account the Committee's previous concluding comments. The Committee commends the State party for the written replies to the list of issues and questions raised by the pre-session working group, and for the oral presentation and additional written information, which elaborated on the recent developments in the implementation of the Convention in Azerbaijan. While commending the State party for its political will to implement the Convention, it regrets that the delegation was unable to adequately respond to a number of issues raised and questions posed by the Committee.

102. The Committee commends the State party for having sent a high-level delegation, which was headed by the Chairperson of the State Committee for Family, Women and Children's Affairs and included specialists from different Ministries. The Committee appreciates the constructive dialogue that took place between the delegation and the members of the Committee.

103. The Committee commends the State party for the ratification, in June 2001, of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.

Positive aspects

104. The Committee commends the State party on the range of recent laws aimed at eliminating discrimination against women and promoting gender equality and on achieving compliance with the obligations under the Convention. In particular, it welcomes the adoption in October 2006 of the Law on Gender Equality, the Law on the Fight against Trafficking in Persons in June 2005, and the Act on Preventing the Spread of HIV/AIDS.

105. The Committee welcomes the efforts of the State party to strengthen the national machinery for the advancement of women through the establishment, in 1998, of the State Committee on Women's Issues, renamed in 2006 the State Committee for Family, Women and Children's Affairs with its chairperson holding the equivalent of a ministerial rank. It also welcomes the establishment of focal points on gender policy in every government department to monitor the implementation of the State policy on women's issues. It further commends the State party for the establishment, in 2001, of an Office of the Human Rights

Commissioner (Ombudsperson), currently headed by a women, and the appointment of special counsellor on gender equality within the Ombudsperson's Office.

106. The Committee commends the State party on the adoption of the National Plan of Action on Women's Issues 2000-2005 and the preparation of the draft National Plan of Action on Family and Women's Issues for 2007-2010.

Principal areas of concern and recommendations

107. **While recalling the State party's obligation to systematically and continuously implement all the provisions of the Convention, the Committee views the concerns and recommendations identified in the present concluding comments as requiring the State party's priority attention between now and the submission of the next periodic report. Consequently, the Committee calls upon the State party to focus on those areas in its implementation activities and to report on action taken and results achieved in its next periodic report. It calls on the State party to submit the present concluding comments to all relevant ministries and to Parliament so as to ensure their full implementation.**

108. The Committee is concerned that the report did not include precise and reliable data disaggregated by sex, and information comparing the situation of women to that of men, to enable it to obtain a comprehensive understanding of the current situation of women in regard to all areas covered by the Convention, and trends over time. The Committee is further concerned that the lack or limited availability of such detailed data may also constitute an impediment to the State party itself in designing and implementing targeted policies and programmes, and in monitoring their effectiveness in regard to the implementation of the Convention in all parts of the country.

109. **The Committee calls upon the State party to put in place expeditiously a comprehensive system of data collection in all areas covered by the Convention so as to assess the actual situation of women and to track trends over time. It also calls upon the State party to monitor, through measurable indicators, the impact of measures taken and progress achieved towards the realization of women's de facto equality. It invites the State party, as necessary, to seek international technical assistance for the development of such data collection and analysis efforts. It encourages the State party to use these data and indicators in the formulation of laws, policies and programmes for the effective implementation of the Convention. The Committee requests the State party to include in its next report statistical data and analysis, disaggregated by sex and by rural and urban areas, in regard to the provisions of the Convention, indicating the impact of measures taken and of results achieved in the practical realization of women's de facto equality.**

110. The Committee is concerned that the provisions of the Convention, the Optional Protocol and the general recommendations of the Committee are not sufficiently known, including by judges, lawyers and prosecutors, and by women themselves. The Committee regrets the lack of information about any court decisions that referred to the Convention, although the Convention is an integral part of the legislative system of Azerbaijan.

111. **The Committee calls on the State party to take additional measures to disseminate information about the Convention, the procedures under the**

Optional Protocol and the Committee's general recommendations, and to implement programmes for prosecutors, judges, the Ombudsperson and lawyers that cover all relevant aspects of the Convention. It recommends that sustained awareness-raising and legal literacy campaigns targeting women, including rural women, as well as non-governmental organizations working on women's issues, be undertaken to encourage and empower women to avail themselves of available procedures and remedies for violations of their rights under the Convention. It further encourages the State party to monitor the results of such efforts and to include in its next periodic report detailed statistics on the use by women of the legal system to obtain redress for discrimination in all fields covered by the Convention, and trends over time.

112. While welcoming the recently adopted Law on Gender Equality, the Committee is concerned that it contains certain discriminatory provisions which are, however, considered by the State party as non-discriminatory. It is further concerned about the apparent limited understanding in the State party of the concepts of formal and of substantive equality contained in the Convention and its prohibition of direct and indirect discrimination against women.

113. **The Committee requests the State party to revisit its Law on Gender Equality and consider repealing its discriminatory provisions, such as different ages for marriage for men and women and to ensure that the Law contains a definition of discrimination in line with article 1 of the Convention, encompassing both direct and indirect discrimination, and extending to acts of discrimination by public and private actors in accordance with article 2. It urges the State party to undertake measures to eliminate discrimination against women and ensure both de jure (formal) and de facto (substantive) equality between women and men in line with the Convention. It encourages the State party to raise awareness with respect to the nature of indirect discrimination and the Convention's concept of substantive equality among Government officials, the judiciary and the general public. It also calls upon the State party to monitor, through measurable indicators, the impact of laws, policies and action plans and to evaluate progress achieved towards the practical realization of women's substantive equality with men.**

114. The Committee continues to be concerned about the persistence of patriarchal attitudes and deep-rooted stereotypes regarding the roles and responsibilities of women and men in the family and in society in Azerbaijan, in particular in rural areas, which are reflected in women's educational choices, their situation in the labour market and their low level of participation in political and public life. The Committee is concerned about persistent stereotypes found in school textbooks.

115. **The Committee urges the State party to intensify its efforts to overcome persistent and deep-rooted stereotypes that are discriminatory against women, and to galvanize action by all parts of society to bring about cultural change where women's equal rights and dignity are fully respected. It also urges the State party to disseminate information on the Convention through the educational system, including human rights education and gender-sensitivity training, so as to change existing stereotypical views and attitudes about women's and men's roles. The Committee requests the State party to enhance the training of teaching staff in regard to gender equality issues and to revise educational textbooks to eliminate gender stereotypes. It calls on the State**

party to further encourage diversification of the educational choices of boys and girls, and urges the State party to encourage a public dialogue on the educational choices girls and women make and their subsequent opportunities and chances in the labour market. It recommends that awareness-raising campaigns be addressed to both women and men and that the media be encouraged to project positive images of women and of the equal status and responsibilities of women and men in the private and public spheres. The Committee invites the State party to specifically target rural areas in the implementation of such measures, and to regularly monitor and evaluate their impact.

116. The Committee continues to be concerned about the prevalence of violence against women in Azerbaijan. While noting the elaboration of the draft law on domestic violence, it is concerned about delays in its adoption and lack of information about its scope and content. The Committee is further concerned about the current definition of rape in the Criminal Code.

117. **The Committee urges the State party to speedily enact the draft law on domestic violence and ensure that it encompasses provision for the prosecution and punishment of offenders, adequate access to justice for victims as well as protection and rehabilitation measures. It requests the State party to make it widely known to public officials and society at large. The Committee calls upon the State party to ensure that all women who are victims of domestic violence, including rural, refugee and internally displaced women, have access to immediate means of redress and protection, including protection orders, and access to a sufficient number of safe shelters, as well as to legal aid. It calls on the State party to ensure that public officials, especially law enforcement personnel, the judiciary, health-care providers and social workers, are fully familiar with all forms of violence against women and applicable legal provisions to adequately respond to them. It urges the State party to conduct research on the prevalence, causes and consequences of all forms of violence against women, including domestic violence, to serve as the basis for comprehensive and targeted intervention and to include the results of such research, and of the impact of follow-up action taken, in its next periodic report. The Committee also calls on the State party to ensure that the definition of rape in the Criminal Code penalizes any sexual act committed against a non-consenting person, including in the absence of resistance.**

118. While welcoming the efforts undertaken by the State party to combat human trafficking, the Committee remains concerned about the persistence of trafficking in women and girls, and the exploitation of prostitution, and about the lack of measures aimed at rehabilitating women victims of trafficking.

119. **The Committee requests the State party to effectively implement the National Plan of Action against Trafficking in Human Beings and to ensure that the Law to Fight against Trafficking in Persons is fully enforced, in particular by effectively prosecuting and punishing offenders. It recommends that the State party address the root cause of trafficking by increasing its efforts to improve the economic situation of women, thereby eliminating their vulnerability to exploitation and traffickers, as well as taking measures for the rehabilitation and social integration of women and girls who are victims of exploitation and trafficking. The Committee also calls on the State party to take**

all appropriate measures to suppress the exploitation of prostitution in the country.

120. While welcoming some recent progress, the Committee is concerned about the low level of participation of women in public and political life and in decision-making, and the lack of concrete steps taken to address the underlying causes, including prevailing social and cultural attitudes.

121. **The Committee encourages the State party to implement concrete measures to increase the number of women in decision-making positions, in particular at the municipal/local level, in Parliament, in political parties, the judiciary and the civil service. It recommends that the State party make effective use of article 4, paragraph 1, of the Convention on temporary special measures and the Committee's general recommendation 25, and establish concrete goals and timetables to accelerate women's equal participation in public and political life at all levels. It calls on the State party to monitor the impact of measures taken and of results achieved over time.**

122. The Committee continues to be concerned about the occupational segregation between women and men in the labour market and the gap in their wages. The Committee is also concerned about the potential negative impact on women of the Labour Code, which appears to be overly protective of women as mothers and to restrict women's economic opportunities in a number of areas. The Committee regrets that no information was provided on the women's bank to provide loans and credits for small enterprises organized by women, which the Committee had welcomed in its previous concluding comments.

123. **The Committee recommends that efforts be strengthened to eliminate occupational segregation, both horizontal and vertical, and to adopt measures to narrow and close the wage gap between women and men by applying job evaluation schemes in the public sector connected with wage increases in sectors dominated by women. The Committee requests the State party to introduce provisions on equal pay for work of equal value. It also requests the State party to carefully review and analyse the impact of the Labour Code on women's opportunities in the labour market, and make necessary amendments that will ensure the health and safety of all workers, encourage sharing of family responsibilities between women and men, and contribute to the elimination of stereotypes and traditional attitudes that discriminate against women. It invites the State party to include in its next report information on such analysis and relevant action taken.**

124. The Committee is concerned that the State party does not use a definition of maternal death that is in line with the standard World Health Organization definition and that, therefore, it may inaccurately calculate its maternal mortality ratio. The Committee is also concerned at the lack of unified methodologies for collecting and analysing data in relation to safe motherhood. The Committee is further concerned that contraceptives are not included in the list of essential drugs and that a comprehensive range of contraceptives may not be available to women.

125. **The Committee recommends that the State party seek assistance from the World Health Organization to adopt its definition of maternal death and take steps to unify methodologies for collecting, calculating and assessing data for continuous monitoring and evaluation of health services in the field of safe**

motherhood. The Committee also recommends that the State party expand and make available to women a comprehensive range of contraceptives.

126. The Committee is concerned that widespread poverty and poor socio-economic conditions in the country are among the factors that lead to the violation of women's human rights and discrimination against women. The Committee is especially concerned about the situation of rural women — in particular women living in mountainous and highland areas — which is characterized by precarious living conditions and lack of access to justice, health care, education, credit facilities and community services.

127. **The Committee urges the State party to make the promotion of gender equality an explicit component of its national development plans and policies, and in particular those aimed at poverty alleviation and sustainable development. It urges the State party to pay special attention to the needs of rural women, in particular women living in mountainous and highland areas, ensuring that they participate in decision-making processes and have full access to justice, education, health services and credit facilities. The Committee also urges the State party to take appropriate measures to eliminate all forms of discrimination against women with respect to the ownership and inheritance of land. The Committee invites the State party to place emphasis on women's human rights in all development cooperation programmes with international organizations and bilateral donors so as to address the socio-economic causes of discrimination against women, including those impacting women in rural areas, through all available sources of support.**

128. The Committee notes with concern that, although legislation guarantees women equal rights with men in matters relating to marriage and family relations, in practice, discrimination against women remains widespread in those areas and can be seen, inter alia, in the persistence of unregistered religious marriages. The Committee is also concerned that the legal age of marriage is 17 years for girls, and may be lowered by one year under certain conditions, thus encouraging early marriages.

129. **The Committee requests the State party to implement awareness-raising measures aimed at achieving equality between women and men in marriage and family relations as called for in article 16 of the Convention and the Committee's general recommendation 21. It calls on the State party to ensure that all marriages are properly registered. It urges the State party to raise the legal minimum age of marriage to 18 years, in line with article 1 of the Convention on the Rights of the Child and article 16, paragraph 2, of the Convention. The Committee also requests the State party to include in its next report information on marriages in Azerbaijan involving girls under 18 and on religious or traditional marriages, including their prevalence and trends over time, and their legal status.**

130. While welcoming the State Programme on the Settlement of the Problems of Refugees and Internally Displaced Persons, the Committee notes with concern that refugee women and girls and internally displaced women and girls remain in a vulnerable and marginalized situation, in particular with regard to access to education, employment, health and housing.

131. **The Committee urges the State party to implement targeted measures for refugee women and girls and internally displaced women and girls, within specific timetables, to improve access to education, employment, health and housing and to monitor their implementation. The Committee requests the State party to report on the results achieved in improving the situation of these groups of women and girls in its next periodic report.**

132. **The Committee encourages the State party to accept, as soon as possible, the amendment to article 20, paragraph 1, of the Convention, concerning the meeting time of the Committee.**

133. **The Committee urges the State party to utilize fully, in its implementation of its obligations under the Convention, the Beijing Declaration and Platform for Action, which reinforce the provisions of the Convention, and requests the State party to include information thereon in its next periodic report.**

134. **The Committee also emphasizes that a full and effective implementation of the Convention is indispensable for achieving the Millennium Development Goals. It calls for the integration of a gender perspective and explicit reflection of the provisions of the Convention in all efforts aimed at the achievement of the Millennium Development Goals, and requests the State party to include information thereon in its next periodic report.**

135. **The Committee notes that States' adherence to the seven major international human rights instruments**[1] **enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life.**

136. **The Committee requests the wide dissemination in Azerbaijan of the present concluding comments in order to make the people, including government officials, politicians, parliamentarians and women's and human rights organizations, aware of the steps that have been taken to ensure de jure and de facto equality of women, as well as the further steps that are required in that regard. In particular, the Committee encourages the State party to convene a public forum involving all State actors as well as the civil society to discuss the presentation of the report and the content of the concluding comments. The Committee requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Convention, its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".**

137. **The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report under article 18 of the Convention, which is due in August 2008.**

India

138. The Committee considered the combined second and third periodic reports of India (CEDAW/C/IND/2-3) at its 761st and 762nd meetings, on 18 January 2007 (see CEDAW/C/SR.761 and 762). The Committee's list of issues and questions is contained in CEDAW/C/IND/Q/3 and India's responses are contained in CEDAW/C/IND/Q/3/Add.1.

Introduction

139. The Committee expresses its appreciation to the State party for its combined second and third periodic reports, while regretting that it was overdue, did not fully comply with the Committee's guidelines for preparation of reports or refer to the Committee's general recommendations and did not provide the information requested by the Committee on the communal violence in Gujarat. The Committee commends the State party for the written replies to the list of issues and questions raised by the pre-session working group, as well as for the additional written information provided during the consideration of the report.

140. The Committee commends the State party on its delegation, headed by the Secretary of the Ministry of Women and Child Development, which included the Solicitor General and representatives of other ministries with responsibility for implementation of the Convention. It expresses its appreciation for the frank and constructive dialogue held between the delegation and the members of the Committee, which provided further insights into the real situation of women in India.

Positive aspects

141. The Committee commends the State party on its (a) National Policy on the Empowerment of Women, 2001, which, among other things, commits to ensure that all marriages are registered by 2010; (b) Women Component Plan in the national budget, where 30 per cent of planned development expenditure in all sectors is to be spent on women; (c) National Policy on Persons with Disabilities, 2005; and (d) National Rural Employment Guarantee Act, 2005.

142. The Committee congratulates the State party on the enactment of the Protection of Women from Domestic Violence Act, 2005, and for amendments to the Hindu Succession Act and the Indian Divorce Act.

143. The Committee commends the State party for its achievements in increasing enrolment in primary education through various programmes, such as the Sarva Shiksha Abhiyan programme.

Principal areas of concern and recommendations

144. **While recalling the State party's obligation to systematically and continuously implement all the provisions of the Convention, the Committee views the concerns and recommendations identified in the present concluding comments as requiring the State party's priority attention between now and the submission of the next periodic report. Consequently, the Committee calls upon the State party to focus on those areas in its implementation activities and to report on action taken and results achieved in its next periodic report. It calls upon the State party to submit the present concluding comments to all relevant ministries and to Parliament so as to ensure their full implementation.**

145. The Committee is concerned that the State party has not taken adequate steps to implement the recommendations in regard to some concerns raised in the Committee's previous concluding comments adopted in 2000.[2] In particular, the Committee finds that its recommendations in paragraphs 67 (to introduce a sex

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[2] See *Official Records of the General Assembly, Fifty-fifth Session, Supplement No. 38* (A/55/38).

discrimination act in order to make the standards of the Convention applicable to non-State action and inaction), 70 (to develop a national plan of action to address the issue of gender-based violence in a holistic manner), 75 (to enforce laws preventing discrimination against Dalit women) and 81 (to take affirmative action to increase women's participation in the judiciary) have been insufficiently addressed. The Committee is also concerned that it has not been provided with any information on the report of the committee established to review the Armed Forces Special Powers Act in response to its previous concluding comments.[3]

146. **The Committee reiterates the concerns and recommendations in the concluding comments adopted in 2000 and urges the State party to proceed without delay with their implementation. The Committee requests the State party to provide information on the steps being taken to abolish or reform the Armed Forces Special Powers Act and to ensure that investigation and prosecution of acts of violence against women by the military in disturbed areas and during detention or arrest is not impeded.**

147. The Committee is concerned by the State party's reluctance to review its policy of non-interference in the personal laws of communities without their initiative and consent and to withdraw its reservations to articles 5 (a) and 16 (1) of the Convention, which stand in contradiction not only to the overall spirit and aim of the Convention but also to the State party's existing constitutional guarantees of equality and non-discrimination.

148. **The Committee urges the State party to review its reservations to articles 5 (a) and 16 (1) with a view to withdrawing them, to proactively initiate and encourage debate within the relevant communities on gender equality and the human rights of women and, in particular, work with and support women's groups as members of these communities so as to (a) modify social and cultural patterns of conduct to achieve elimination of prejudices and practices based on stereotyped roles for men and women and (b) review and reform personal laws of different ethnic and religious groups to ensure de jure gender equality and compliance with the Convention.**

149. The Committee is concerned that while de jure equality for women has been realized in many spheres, there remain many impediments to the realization of de facto equality.

150. **The Committee recommends that the State party establish viable strategies to overcome the impediments to the practical realization of women's rights. It calls upon the State party to not only carry out gender-sensitivity training and capacity-building for various stakeholders, but to also take proactive steps to remove structural barriers to women's equality.**

151. The Committee regrets that the report does not provide sufficient statistical data, disaggregated by sex, caste, minority status and ethnicity, on the practical realization of equality between women and men in all areas covered by the Convention and does not provide information on the impact of, and results achieved by, various legal and policy measures described in the report.

152. **The Committee requests the State party to set benchmarks and to include adequate, appropriate and comparative statistical data and analysis,**

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[3] Ibid., para. 72.

disaggregated by sex, caste, minority status and ethnicity, in its next report so as to provide a full picture of the implementation of all the provisions of the Convention and trends over time in the practical realization of equality between women and men. In particular, it calls upon the State party to review and monitor the fulfilment of the provisions of the Convention in respect of scheduled caste, scheduled tribe, backward class and minority women in all sectors. It also recommends that the State party regularly conduct impact assessments of its legislative reforms, policies and programmes to ensure that measures taken lead to the desired goals and that it inform the Committee about the results of these assessments in its next periodic report.

153. Noting that the implementation of legislative and policy initiatives taken by the central Government is often left to the states and union territories, and that states and union territories have jurisdiction over certain areas covered in the Convention, the Committee is concerned that there are inadequate structures, mechanisms and actions being taken to ensure effective coordination and consistent application of the Convention in all states and union territories.

154. **The Committee recommends that the State party promote and guarantee the consistent implementation of the Convention throughout the country, including through increased attention in consultative forums and other mechanisms of control and partnership between the central Government and state and union territory governments. In this respect, the Committee recommends that the State party create formal links between the National Commission for Women and the various State Commissions for Women. It calls upon the State party to consider using the powers under article 253 of the Constitution to establish without delay standards and coordination and monitoring mechanisms to ensure the effective harmonization and implementation of gender equality programmes and policies, as well as enforcement of legislation on women's rights, at the central, state and union territory levels.**

155. While noting that poor women are entitled to receive free legal aid under the Legal Services Authority Act and that the National Legal Service Authority aims to enhance legal literacy for women and provide access to justice, the Committee is concerned about the quality and scope of the free legal services provided and the access of women in rural and tribal areas to such services.

156. **The Committee urges the State party to provide free legal services to poor and marginalized women in rural and tribal areas in addition to urban areas and to monitor the quality and impact of such services in regard to ensuring women's access to justice. It requests the State party to provide information about access of women, including scheduled caste, scheduled tribe, backward class and minority women, to free legal services and the scope and effectiveness of such services in its next periodic report.**

157. The Committee continues to be concerned about the absence of a comprehensive plan to address all forms of violence against women. While appreciating the enactment of the Domestic Violence Act, 2005, the Committee is concerned that the various states and union territories have not put into place mechanisms to effectively enforce this Act.

158. **The Committee calls upon the State party to develop, in consultation with women's groups, a coordinated and comprehensive plan to combat all forms of violence against women taking a life cycle approach. It urges the State party to take steps in partnership with states and union territories to fully and consistently implement and enforce the Domestic Violence Act and to ensure that all women victims of domestic violence, including scheduled caste, scheduled tribe, backward class and minority women, are able to benefit from the legislative framework and support systems in place and that perpetrators are effectively prosecuted under the Penal Code and adequately punished. It recommends that public officials, especially law enforcement officials, the judiciary, health-care providers and social workers, are fully sensitized to all forms of violence against women, including domestic violence. It requests that adequate statistics on all forms of violence against women be collected in a consistent manner. In particular, it requests the State party to provide information, disaggregated by caste, minority status and ethnicity, in its next periodic report, on the number of cases of domestic violence reported to the police and other relevant authorities, the number of protection and other orders granted under the Domestic Violence Act and the number of convictions of perpetrators of domestic violence under the Penal Code.**

159. While noting that consultations are under way to amend relevant legislation relating to rape, the Committee is concerned about the narrow definition of rape in the current Penal Code and its failure to criminalize marital rape and other forms of sexual assault, including child sexual abuse.

160. **The Committee urges the State party to widen the definition of rape in its Penal Code to reflect the realities of sexual abuse experienced by women and to remove the exception for marital rape from the definition of rape. It also calls upon the State party to criminalize all other forms of sexual abuse, including child sexual abuse. It recommends that the State party consult widely with women's groups in its process of reform of laws and procedures relating to rape and sexual abuse.**

161. The Committee is concerned that the proposed Communal Violence (Prevention, Control and Rehabilitation of Victims) Bill, 2005, does not include sexual and gender-based crimes against women perpetrated during communal violence or create a system of reparations for victims of such crimes, as these elements are not covered effectively by the Indian Penal Code or other relevant legislation. In addition, the Committee remains concerned that this Bill does not adequately address abuse of power by State officials in failing to take action or being complicit in communal violence.

162. **The Committee welcomes the State party's statement that recommendations from this Committee will be considered for inclusion in the proposed Communal Violence (Prevention, Control and Rehabilitation of Victims) Bill, 2005, and recommends the incorporation into the Bill of: sexual and gender-based crimes, including mass crimes against women perpetrated during communal violence; a comprehensive system of reparations for victims of such crimes; and gender-sensitive victim-centred procedural and evidentiary rules. The Committee further recommends that inaction or complicity of State officials in communal violence be urgently addressed under this legislation.**

163. In addition to previously expressed concerns about customary practices, such as dowry, sati and the devadasi system,[4] the Committee is concerned about the practice of witch-hunting which constitutes an extreme form of violence against women.

164. **The Committee recommends that the State party adopt appropriate measures to eliminate the practice of witch-hunting, prosecute and punish those involved, and provide for rehabilitation of, and compensation to, victimized women. It recommends that such measures be based on an analysis of its causes, including control over land. The Committee calls upon the State party to create public awareness of forms of violence against women rooted in custom as an infringement of women's human rights.**

165. The Committee is concerned about the ongoing atrocities committed against Dalit women and the culture of impunity for perpetrators of such atrocities. The Committee is concerned that, despite a law banning manual scavenging, this degrading practice continues with grave implications for the dignity and health of the Dalit women who are engaged in this activity.

166. **The Committee recommends that the State party put in place a mechanism to monitor effective enforcement of the Scheduled Castes and Scheduled Tribes Prevention of Atrocities Act in order to ensure accountability and end impunity for crimes committed against Dalit women. It calls upon the State party to increase Dalit women's legal literacy and improve their access to justice in bringing claims of discrimination and violation of rights. It requests the State party to report specifically on the impact of such initiatives in its next periodic report. The Committee also urges the State party to study the health implications of manual scavenging on Dalits engaged in this profession and on the community as a whole, and to address all the impediments to eradicating this practice, including by putting in place modern sanitation facilities and providing the Dalit women engaged in this practice with vocational training and alternative means of livelihood.**

167. While appreciating the important advances made with respect to women's education, the Committee is concerned that the fundamental right to education guaranteed in 2002 by a Constitutional amendment, has not been made operational, despite the central Government's circulation of a model bill to states and union territories for consideration.

168. **The Committee calls upon the State party to take the lead, as it has done with regard to other educational schemes, including by considering using its powers under article 253 of the Constitution, to enable the passing of legislation to operationalize the fundamental Constitutional right to education. It calls upon the State party to set a time frame for speedy enactment of such legislation and to allocate required resources for the same in its eleventh five-year plan, which is currently being considered.**

169. While appreciating the additional data provided by the State party during its dialogue with the Committee, which indicates improvements in enrolment rates of women in primary education, and while commending the State party's future plans of focusing efforts on education of marginalized sections of the population, the

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[4] Ibid., paras. 68-69.

Committee is concerned about the continuing disparities in the educational status of scheduled caste, scheduled tribe and Muslim women and the limited access of these groups of women to higher education. It is also concerned about the educational performance disparities among regions and states, the continuing gap in literacy rates between men and women and the lack of information on the budgetary allocation to adult literacy programmes.

170. **The Committee recommends that the State party provide, in its next periodic report, comparable data disaggregated by sex, caste, minority status and ethnicity, on the enrolment and retention rates of girls and women at all levels of education, and trends over time. Given the particularly disadvantaged situation of Muslim women and girls, the Committee requests the State party to provide information in its next periodic report about the action taken on the recommendations of the Sachar Committee with regard to the education of Muslim women and girls. It urges the State party to increase efforts to enable scheduled caste, scheduled tribe and Muslim women to access higher education. The Committee calls upon the State party to strengthen its efforts, at the national, state and union territory levels, to close the gap in literacy rates between men and women, establish benchmarks in this regard and create mechanisms to monitor the achievement of such benchmarks. It also urges the State party to provide, in its next periodic report, information on the budgetary allocation to adult education programmes and the impact, and trends over time, of such programmes. Moreover, it calls upon the State party to meet its commitment of allocating 6 per cent of its gross domestic product to education in its eleventh five-year plan.**

171. While welcoming the State party's efforts to eliminate gender-based stereotypes through the review and revision of textbooks at the national level, the Committee is concerned that such review and revision has not taken place at the state level in most states. The Committee is also concerned that teachers in schools are not gender-sensitized, to the detriment of female students.

172. **The Committee calls upon the State party to initiate and monitor the reform of textbooks at the state level to eliminate all gender-based stereotypes and to strengthen its efforts, at the national, state and union territory levels, to combat the widespread acceptance of stereotypical roles of men and women. It recommends that gender issues and sensitivity training be made an integral and substantive component of all teacher training.**

173. While appreciating the enactment of the National Rural Employment Guarantee Act, 2005, and the Government-supported scheme of women's self-help groups that provide women access to microcredit, the Committee is concerned that these initiatives may not benefit most poor and marginalized women and that the objective of poverty alleviation of self-help groups may not have the desired impact on individual women. The Committee is further concerned by the absence of mechanisms to regulate financial institutions and protect the interests of poor women.

174. **The Committee calls upon the State party to ensure that rural women benefit de facto from the National Rural Employment Guarantee Act, 2005. It requests the State party to provide data disaggregated by sex, caste, minority status and ethnicity of the beneficiaries under this Act. The Committee recommends that the State party take proactive measures to bring financial**

institutions on board with the agenda of development and empowerment of women through issuance of microcredit. It urges the State party to establish, after consultation with women's groups, appropriate mechanisms to regulate the functioning of microcredit finance institutions that protect interests of poor women. The Committee also urges the State party to establish programmes, with goals and timelines, to issue credit to poor women who are not able to participate in the self-help groups and do not otherwise have access to credit.

175. The Committee is concerned about the continuing deterioration in the ratio of females to males despite the Pre-conception and Prenatal Diagnostic Technique (Prohibition of Sex Selection) Act, as amended in 2003. The Committee is further concerned that this Act may result in criminalization of women who are pressured into seeking sex-selective abortions.

176. **The Committee calls upon the State party to ensure that adequate mechanisms and procedures for effective implementation and monitoring of the Pre-conception and Prenatal Diagnostic Technique (Prohibition of Sex Selection) Act be established, including safeguards to prevent criminalization of women who are pressurized into seeking sex-selective abortions.**

177. The Committee continues to be concerned about the status of women's health, including the maternal mortality rate in rural areas, which is among the highest in the world; the high prevalence of infectious diseases, especially food and water-borne diseases; malnutrition; anaemia; unsafe abortions; HIV infections; and inadequacy of services relating to obstetrics and family planning. While noting the programmes outlined in the report to improve women's access to health care and to decrease maternal mortality, the Committee is concerned that it has not been provided information about the impact of such programmes and measures. It is also concerned that the State party lacks reliable data on women's health status, including on pregnancy and non-pregnancy-related morbidity and mortality and HIV infections, owing to which it is unable to establish benchmarks and monitor progress. In addition, the Committee is concerned that the privatization of health services has an adverse impact on women's capacity to access such services.

178. **The Committee urges the State party to pay increased attention to female health throughout the life cycle, including in key areas of pregnancy and non-pregnancy-related morbidity and mortality, in light of general recommendations 24 and 25. It calls upon the State party to strengthen food security, primary health care and adequate sanitation, especially in rural areas; establish mechanisms to monitor women's access to health care and health-delivery systems; and increase the allocation of resources to health care. The Committee urges the State party to prioritize decreasing maternal mortality rates by establishing adequate obstetric delivery services and ensuring women access to health services, including safe abortion and gender-sensitive comprehensive contraceptive services. It recommends that the State party provide detailed information in its next periodic report about the impact, and trends over time, of programmes to improve women's access to health care and decrease maternal mortality. It calls upon the State party to balance the roles of public and private health providers in order to maximize resources and the reach of health services. It calls upon the State party to monitor the privatization of health care and its impact on the health of poor women and provide such information in its next periodic report.**

179. While appreciating the reservation of one third of seats in local government bodies for women through the use of temporary special measures, the Committee is concerned about the continuing low representation of women in Parliament and state legislatures and in government service. The Committee notes with concern the low numbers of women judges in the high courts and the total absence of women judges in the Supreme Court.

180. **The Committee calls upon the State party to speed up its efforts to forge consensus on the constitutional amendment reserving one third of the seats in Parliament and state legislatures for women and undertake awareness-raising about the importance of women's participation in decision-making for society as a whole. The Committee also calls upon the State party to take sustained measures, including temporary special measures contemplated by the tenth five-year plan, to increase the number of women in government service, including in higher political, administrative and judicial posts, and to establish concrete goals and timetables. The Committee invites the State party to provide information in its next periodic report about the number and ranking of women in government service and the impact, and trends over time, of measures taken to increase the representation of women in public and political life.**

181. The Committee is concerned that 93 per cent of the workforce that is in the unorganized sector is facing job insecurity and unfavourable conditions of work while the Unorganized Sector Workers Social Security Bill (2003) is pending. It is also concerned about the persistence of the wage gap between women and men. In addition, it is concerned about the increase in the population of poor urban women engaged in unskilled labour with poor work conditions and lack of access to basic amenities and health care.

182. **The Committee recommends the speedy enactment of the Unorganized Sector Workers Social Security Bill. It also recommends that the State party take proactive measures to monitor and close the wage gap between women and men. The Committee urges the State party to pay specific attention, and adopt a comprehensive approach, to address the problems of poor women in the urban areas.**

183. The Committee expresses grave concern about the displacement of tribal women owing to the implementation of megaprojects and the influence of global economic trends. While the Committee appreciates the need for economic growth, it is concerned that the human rights of vulnerable groups such as tribal populations may be adversely affected by large-scale economic projects.

184. **The Committee urges the State party to study the impact of megaprojects on tribal and rural women and to institute safeguards against their displacement and violation of their human rights. It also urges the State party to ensure that surplus land given to displaced rural and tribal women is cultivable. Moreover, the Committee recommends that efforts be made to ensure that tribal and rural women have individual rights to inherit and own land and property.**

185. The Committee is concerned by the State party's assertion that it is making efforts to eradicate child labour only in certain occupations classified as "hazardous" by the Child Labour Technical Advisory Committee. In particular, the Committee is concerned that the employment of children — the majority of whom

are girls — as domestic help in private homes where children are exposed to all forms of abuse, including sexual abuse, is not being targeted.

186. **The Committee recommends the establishment of mechanisms to monitor child labour and the elimination of child labour in compliance with international obligations. It calls upon the State party to study the abuse of children, particularly girl children, employed as domestic help, enforce the Child Labour (Prohibition and Regulation) Act, 1986, for their benefit, and devise strategies for their rehabilitation, including their inclusion in the formal educational system.**

187. The Committee is concerned that the State party has not enacted any laws or regulations relating to the status of asylum-seekers and refugees, which adversely impacts women refugees and asylum-seekers.

188. **The Committee urges the State party to adopt laws and regulations relating to the status of asylum-seekers and refugees in India, in line with international standards, in order to ensure protection also for asylum-seeking and refugee women and their children. It recommends that the State party consider accession to international instruments to address the situation of refugees and stateless persons, including the 1951 Convention relating to the Status of Refugees and its 1967 Protocol. It recommends that the State party fully integrate a gender-sensitive approach throughout the process of granting asylum/refugee status.**

189. While noting that the State party has allocated 10 per cent of the Central Plan Gross Budget for the benefit of the North-eastern Region and Sikkim, the Committee has no way of assessing whether women from the North-east and Sikkim are realizing proportional benefits of budgetary allocation.

190. **The Committee requests the State party to provide information in its next periodic report on the percentage of this budgetary allocation that is being used for the benefit of women and the impact of any such measures on enhancing the equality and well-being of women of the North-east and Sikkim.**

191. The Committee is concerned that the civil Special Marriage Act fails to ensure equality for women in marriage and its dissolution by not giving women equal rights to property accumulated during marriage.

192. **The Committee recommends that the State party amend the Special Marriage Act, in the light of article 16 of the Convention and the Committee's general recommendation 21 on equality in marriage and family relations, to give women equal rights to property accumulated during the marriage.**

193. The Committee is concerned about the State party's assertion that the social acceptability of early marriages has negated the implementation of the Child Marriage Restraint Act. In addition, it is concerned that this Act penalizes the offender but does not render the marriage void, purportedly to avoid illegitimacy of any offspring of such union, which stands in contradiction to the purpose of the Act and is a violation of the rights of the married child.

194. **The Committee urges the State party to take proactive measures to effectively implement the Child Marriage Restraint Act with a view to eradicating child marriages. It recommends that the State party take comprehensive, effective and stringent measures aimed at deterrence of those**

engaged in child marriages, the elimination of such practices and the protection of the human rights of the girl child.

195. While appreciating that some states have enacted laws to make the registration of marriages compulsory and that the National Commission of Women is in the process of drafting national legislation to this effect, the Committee is concerned that the State party has not established a timeline for enactment of such legislation.

196. **The Committee recommends that the State party take proactive measures to speedily enact legislation to require compulsory registration of all marriages, work with states and union territories to effectively implement such legislation and to consider withdrawing its reservation to article 16 (2).**

197. **The Committee encourages the State party to ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women and to accept, as soon as possible, the amendment to article 20, paragraph 1, of the Convention concerning the meeting time of the Committee.**

198. **The Committee requests the State party to ensure the wide participation of all ministries and public bodies in, and to consult with non-governmental organizations during, the preparation of its next report. It encourages the State party to involve Parliament in a discussion of the report before its submission to the Committee.**

199. **The Committee urges the State party to utilize fully in its implementation of the obligations under the Convention, the Beijing Declaration and Platform for Action, which reinforce the provisions of the Convention, and requests the State party to include information thereon in its next periodic report.**

200. **The Committee also emphasizes that a full and effective implementation of the Convention is indispensable for achieving the Millennium Development Goals. It calls for the integration of a gender perspective and the explicit reflection of the provisions of the Convention in all efforts aimed at the achievement of the Millennium Development Goals and requests the State party to include information thereon in its next periodic report.**

201. **The Committee notes that States' adherence to the seven major international human rights instruments[1] enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. Therefore, the Committee encourages the Government of India to consider ratifying the treaty to which it is not yet a party, namely, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.**

202. **The Committee requests the wide dissemination in India of the present concluding comments in order to make the people of India, including government officials, politicians, parliamentarians and women's and human rights organizations, aware of the steps that have been taken to ensure de jure and de facto equality of women, as well as the further steps that are required in that regard. It requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Convention, the Optional Protocol thereto, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the outcome of the twenty-**

third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".

203. **The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report under article 18 of the Convention. It invites the State party to submit its fourth periodic report, which was due in August 2006, and its fifth periodic report, which is due in August 2010, in a combined report in 2010.**

Request for a follow-up report

204. The Committee expresses its dissatisfaction with the lack of information provided by the State party in its report and in its answers to issues and questions posed by the Committee, on the impact of the Gujarat massacre on women, which negatively affected implementation of the Convention. While appreciating that some additional information on this issue was provided during the constructive dialogue and subsequently, the Committee did not find this information sufficient. Consequently, it requests the State party, in conformity with article 18, paragraph 1 (b), of the Convention, to submit a follow-up report in January 2008 for consideration by the Committee later in 2008. This follow-up report will not replace the submission of a combined fourth and fifth periodic report.

205. The follow-up report should include information on the impact of the Gujarat massacres on women. In particular, the report should provide information (a) disaggregated by sex, on the 2,000 or so cases relating to the massacres that have been reopened and the resolution of these cases; (b) on the number of cases of sexual assault and violence against women that have been reported and the resolution of such cases; (c) on victim protection measures and other measures to support victims that have been put in place and the impact of such measures; (d) on arrests made and punishments imposed, including on state officials who were found to be complicit in such crimes; (e) on the gender-specific measures taken by the State party to rehabilitate and compensate women victims of such crimes and the number of women who have benefited from such measures; (f) on compensation awarded to women victims, especially of violence against women; (g) disaggregated by sex, on the 5,000 or so Muslim families displaced by the violence and measures taken by the Government for their resettlement and rehabilitation; and (h) on measures taken to enable economic rehabilitation of the affected communities and rebuilding of basic infrastructures destroyed during the riots.

Maldives

206. The Committee considered the combined second and third periodic report of Maldives (CEDAW/C/MDV/2-3) at its 763rd and 764th meetings, on 19 January 2007 (see CEDAW/C/SR.763 and 764). The Committee's list of issues and questions is contained in CEDAW/C/MDV/Q/3 and the responses of the Government of Maldives are contained in CEDAW/C/MDV/Q/3/Add.1.

Introduction

207. The Committee expresses its appreciation to the State party for its combined second and third periodic report, which takes into account the Committee's previous concluding comments, but which did not, however, provide enough statistical data disaggregated by sex nor sufficiently detailed information about the developments

covering the reporting period, and did not refer to the Committee's general recommendations. The Committee expresses its appreciation for the written replies to the list of issues and questions raised by the pre-session working group and for the oral presentation and further clarifications in response to the questions posed by the Committee.

208. The Committee welcomes the high-level delegation sent by the State party, headed by the Minister of Gender and Family, and appreciates the frank and constructive dialogue held between the delegation and the members of the Committee.

209. The Committee congratulates the State party for its accession, on 13 March 2006, to the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women and for accepting, on 7 February 2002, the amendment to article 20, paragraph 1, of the Convention concerning the meeting time of the Committee. The Committee commends the State party for translating the Optional Protocol into the Dhivehi language and for publicizing it in its local newspapers on the occasion of its entry into force.

210. The Committee notes the delegation's recognition of the role of recently established local non-governmental organizations to monitor governmental action to implement the Convention and contribute to raising public awareness, particularly women's awareness, about their human rights.

211. The Committee also notes that Maldives has not withdrawn its reservations to articles 7 (a) and 16 of the Convention.

Positive aspects

212. The Committee commends the State party for its National Policy on Gender Equality, endorsed by the Cabinet in April 2006, which will give impetus to efforts to achieve gender equality and facilitate gender mainstreaming. It welcomes the National Plan of Action on Gender (2001-2006), which was based on the concluding comments of the Committee on the initial report of the State party and the Beijing Platform for Action; the formulation of the seventh National Development Plan, which emphasizes human rights-based planning and includes indicators in the area of advancement of women; the "Engendering of Census 2005" initiative to ascertain women's work and their economic contribution; and the formulation of an action plan to implement the recommendations of the "Study on Women, Health and Life Experience", conducted by the Ministry of Gender and Family.

213. The Committee welcomes the ongoing process of legal reform within the context of the President's reform agenda and road map, which aim at ushering in a modern democracy. In particular, it welcomes: the passage by the Special Majilis (Constitutional Assembly) of a provision on non-discrimination on the basis of sex for inclusion in the Constitution, which is currently being amended; the Human Rights Commission Act, which provides for a mechanism for redress of violations of women's human rights; and numerous bills which have been submitted to the People's Majilis (Parliament) for adoption, including the Labour Bill, which contains a prohibition of direct and indirect discrimination, a provision on equal pay for equal work, paid parental leave and the establishment of a Labour Tribunal; the Evidence Bill, which provides for forensic and scientific evidence to be used in courts; and the Penal Bill, which includes a provision that criminalizes marital rape.

214. The Committee commends the State party for having become party to most international human rights instruments.

Principal areas of concern and recommendations

215. **While recalling the State party's obligation to systematically and continuously implement all the provisions of the Convention, the Committee views the concerns and recommendations identified in the present concluding comments as requiring the State party's priority attention between now and the submission of the next periodic report. Consequently, the Committee calls upon the State party to focus on those areas in its implementation activities and to report on actions taken and results achieved in its next periodic report. It calls on the State party to submit the present concluding comments to all relevant ministries, the People's Majilis and to atoll and island governing bodies so as to ensure their full implementation.**

216. While welcoming the statement by the delegation that the Government of Maldives has entered into formal discussions on the withdrawal of the reservations made to articles 7 (a) and 16 of the Convention, the Committee is deeply concerned that, despite a similar statement made by the delegation when the Committee considered the initial report of the State party, no positive action in this regard has been taken in the last five years. The Committee draws the attention of the State party to the fact that reservations to articles 7 (a) and 16 are contrary to the object and purpose of the Convention.

217. **The Committee calls upon the State party to accelerate the process of removing the Constitutional provision that bars women from the country's presidency and vice-presidency, which is contrary to the principle of equality of women and men contained in article 2 of the Convention, so that the State party may withdraw its reservation to article 7 (a) of the Convention. It also calls upon the State party to make the necessary revisions to law in the area of marriage and family relations without delay in order to facilitate the withdrawal of the reservation to article 16, which is contrary to the object and purpose of the Convention, and to indicate in its next periodic report, if still relevant, a time frame for its withdrawal.**

218. The Committee is concerned that, although the Convention was ratified in 1993, the Convention is not yet part of Maldivian law and that its provisions are thus not enforceable in domestic courts. The Committee is also concerned that neither the Constitution nor other domestic legislation contains a definition of discrimination against women, in accordance with article 1 of the Convention.

219. **The Committee calls upon the State party to complete the process it has initiated to fully incorporate the Convention and other international human rights treaties to which it has become a party into national law so that they become fully applicable in the domestic legal system. The Committee further urges the State party to take the opportunity afforded by the reform agenda and road map to include in the Constitution the definition of discrimination against women, encompassing both direct and indirect discrimination, in line with article 1 of the Convention, or to enact the draft legislation on the human rights of women, to include such a definition of discrimination against women and the principle of equal rights of women and men. It also urges the State party to include adequate sanctions for acts of discrimination against women**

and to ensure that effective remedies are available to women whose rights have been violated.

220. The Committee expresses concern that temporary special measures are neither provided in the law nor used by the State party as a policy to accelerate the achievement of the de facto equality between women and men in any area of the Convention. It regrets that recent attempts to introduce temporary special measures have failed, for example when an effort to secure a quota for women in the legislature was defeated in the Special Majilis.

221. **The Committee requests the State party to pursue its efforts to introduce temporary special measures in accordance with article 4, paragraph 1, of the Convention and with the Committee's general recommendation 25 in order to accelerate the realization of women's de facto equality with men in all areas. It also recommends that the State party include in the draft legislation on women's rights a provision on temporary special measures. It encourages the State party to develop awareness-raising programmes and training for parliamentarians on the provisions of the Convention. Such training should also clarify, in particular, the purpose of temporary special measures as elaborated by the Committee in its general recommendation 25.**

222. While the Committee welcomes the efforts made to change stereotypes, including awareness-raising and sensitization activities, and other noteworthy developments, such as the inclusion of a gender equality provision in the national media policy, the Committee is concerned about the subordinate and subservient role women and girls continue to play within the family and the deep-rooted, traditional stereotypical attitudes that persist, and which are reflected particularly in women's professional and educational opportunities and choices and their participation in public and political life.

223. **The Committee urges the State party to strengthen measures to eradicate negative stereotypes and to carry out training for parliamentarians and decision-makers on the importance of equality of women and men in a democratic society. It also recommends that information on the content of the Convention be disseminated in the educational system, including in the rural (atoll) areas, that school textbooks and teaching materials be reviewed and revised and that human rights education have a gender perspective, with a view to changing existing stereotypical views on and attitudes towards women's and men's roles in the family and society and creating an environment that is supportive of the practical realization of the principle of equality of women and men. It recommends that the media continue to be encouraged to project positive images of women and of the equal status and responsibilities of women and men in the private and public spheres.**

224. While noting the establishment of rudimentary support services for women victims of violence and the projected 11 shelters to be established in 2007, the Committee expresses its deep concern about the prevalence of violence against women and girls, including domestic violence, which appears to be tolerated or even expected by society. The Committee is also concerned about the legislative gaps in this area, including the lack of specific legislation on domestic violence and specific legislation to address sexual harassment.

225. **The Committee urges the State party to give priority attention to combating violence against women and to adopt comprehensive measures to address all forms of violence against women and girls in accordance with its general recommendation 19 on violence against women. The Committee calls on the State party to enact legislation on domestic violence and on all forms of sexual abuse, including sexual harassment, as soon as possible. Such legislation should ensure that: violence against women and girls constitutes a criminal offence; women and girls who are victims of violence have access to immediate means of redress and protection; and perpetrators are prosecuted and adequately punished. The Committee recommends the implementation of training for parliamentarians, the judiciary and public officials, in particular law enforcement personnel, and health-service providers in order to ensure that they are sensitized to all forms of violence against women and can provide adequate support to victims. It also recommends the carrying out of further public awareness-raising campaigns on all forms of violence against women.**

226. The Committee is concerned about the lack of information and data on the exploitation of prostitutes and by the lack of rehabilitation services provided to them. It is also concerned about the lack of attention paid by the State party to the problem of trafficking in women and the resulting lack of information about the extent of trafficking in women, both internal trafficking and cross-border trafficking, as well as by the absence of measures taken, including legislation, to address this issue. The Committee is further concerned by the possibility that women and girls who have been exploited in prostitution could be re-victimized by the authorities because of the criminalization of extramarital relations.

227. **The Committee urges the State party to: pursue a holistic approach in order to provide women and girls with educational and economic alternatives to prostitution; facilitate the reintegration of prostitutes into society; and provide rehabilitation and economic empowerment programmes for women and girls exploited in prostitution. The Committee urges the State party to consider ratifying the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementary to the United Nations Convention against Transnational Organized Crime, and to initiate steps to combat all forms of trafficking in women and girls, including by enacting specific and comprehensive legislation on the phenomenon. The Committee further calls upon the State party to consider formulating a plan of action with clear goals, to train police officers to deal with inter-island and cross-border trafficking, to cooperate with other countries in the region so as to address more effectively the causes of trafficking and to improve prevention of trafficking through information exchange. The Committee urges the State party to prosecute and punish traffickers and to ensure the protection of the human rights of trafficked women and girls.**

228. The Committee expresses concern at how very few women have been elected to the People's Majilis and how few are represented in decision-making positions in Government, on public boards of directors and public commissions and at high levels of the administration. It is also concerned that there are no women atoll chiefs and that women are underrepresented at the international level. The Committee is of the view that the weak position of women in decision-making in Maldives is exacerbated by the fact that women are barred from standing for the office of

President or Vice-President, sending a negative signal about the role of women in public and political life.

229. **The Committee requests the State party to undertake effective measures to progressively increase the number of women in decision-making positions, in accordance with its general recommendation 23 on women in political and public life and at the international level. It also requests the State party to introduce temporary special measures, in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25 on temporary special measures, and establish concrete goals and timetables to accelerate women's full and equal participation in public and political life. The Committee recommends that the "Political Parties Bill", which is currently being drafted, stipulate that a specified percentage of women be represented in lists of candidates or that a minimum percentage of either sex be represented in lists of candidates. The Committee urges the State party to strengthen its training programmes to encourage women to participate in public life. It also calls on the State party to implement awareness-raising campaigns to highlight the importance to society as a whole of women's full and equal participation in leadership positions at all levels of decision-making for the development of the country.**

230. The Committee is concerned at the exclusion of women from the judiciary, in spite of the fact that there is no legal impediment to their appointment.

231. **The Committee recommends that the Judicial Service Commission be directed to use its authority to appoint women as judges and magistrates. The Committee also requests that temporary special measures, in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25, be utilized to substantially improve the position of women in this sector, together with the establishment of timetables and targets for women's equal participation at all levels of the judiciary. It also recommends that the State party ensure that training programmes for judges be made available to future women judges and that awareness-raising activities about the importance of women's participation in the judiciary be designed and implemented for judges, the legal establishment and society in general.**

232. The Committee is concerned at the gap between males and females in the educational system at the tertiary level. While recognizing that there has been an increase in the number of girls enrolling in traditionally male-dominated fields of study and in tourism and hospitality courses, the Committee is concerned at the persistence of gender segregation in educational fields and its consequences for women's professional opportunities. It is also concerned by the marked difference in the quality of education in urban and rural (atolls) areas and the greater negative impact of the disparity on girls due to a lack of appropriate boarding facilities on islands other than their home island. The Committee is further concerned that pregnant girls are suspended from school and may not resume their studies after giving birth.

233. **The Committee urges the State party to strengthen proactive measures for women's access to tertiary levels of education, particularly for rural women, including temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25 and to actively encourage the diversification of educational and professional**

choices for women and men. It further urges the State party to implement measures to support pregnant girls and raise awareness in secondary schools about teenage pregnancy prevention. The Committee encourages the State party to monitor and regularly assess the impact of such policies and programmes in relation to the full implementation of article 10 of the Convention.

234. The Committee expresses concern at the discrimination faced by women in employment, as reflected in job hiring practices, the wage gap and occupational segregation. It is concerned about the differential treatment of women working in the public and private sectors as regards maternity leave, which puts women in the public sector in temporary contracts and women working in the private sector at a disadvantage. The Committee is further concerned about the societal barriers that women face in entering the tourism and fishing sectors, which obliges them to leave home, forcing them to work in lower-paying traditional jobs instead.

235. **The Committee urges the State party to ensure equal opportunities for women and men in the labour market, in accordance with article 11 of the Convention, and to harmonize legal provisions for the public and private sectors, especially in relation to maternity leave, in the Labour Bill. The Committee requests the State party to pay particular attention to the impact of societal attitudes and expectations on women's opportunities to seek employment in the tourism and fishing sectors. It also calls on the State party to provide in its next report detailed information about the measures taken and their impact on realizing equal opportunities for women.**

236. While recognizing geographical constraints and the high cost of transportation, the Committee is concerned about the status of women's health, particularly of women in the rural (atolls) areas, who experience difficulties in accessing specialized health services in a timely manner.

237. **The Committee urges the State party to continue its efforts to improve the quality of health and social services for women and to integrate a gender perspective into all health sector reforms so that all women in the atolls have equal access to appropriate and adequate health services.**

238. While appreciating that the State party has formulated a national reproductive health strategy (2005-2007), which seeks to ensure reproductive health and rights for all Maldivian women, men and adolescents, the Committee is concerned at the limited control that women have over the choice of family planning methods and spacing of children, as stated by the delegation. The Committee is particularly concerned that access to contraceptives is limited by law to married couples; that reproductive health information is not readily available; and that punishments such as flogging and banishment remain in the Penal Code and can be imposed for violating its provisions prohibiting extramarital sex, which, in practice, disproportionately affect women.

239. **The Committee urges the State party to take concrete measures to enhance women's access to health care, in particular to sexual and reproductive health services, in accordance with article 12 of the Convention and the Committee's general recommendation 24 on women and health. It requests the State party to strengthen measures aimed at the prevention of unwanted pregnancies, including by making a comprehensive range of contraceptives**

more widely available and without restriction and by increasing knowledge and awareness about family planning. The Committee recommends that the State party give priority attention to the situation of adolescents and that it provide age-appropriate sex education as part of the regular education curriculum, targeted at girls and boys, with special attention to the prevention of early pregnancies and sexually transmitted diseases. It also urges the State party to expeditiously revise its Penal Code to eliminate punishment for extramarital sex, which disproportionately affects women.

240. The Committee remains concerned that family law discriminates against women. It is concerned about the high divorce rates, recent reports of early marriage and the practice of polygamy. It is further concerned at the lack of a specific time frame within which the State party will conclude its review of the compatibility of its family law with article 16 of the Convention.

241. **The Committee urges the Government to aim to complete its law reform in the area of family law within a specific time frame and ensure that spouses have the same rights and responsibilities both during marriage and in the event of its dissolution.**

242. **The Committee again calls upon the State party to obtain information on comparative jurisprudence seeking to interpret Islamic law in harmony with international human rights standards and the Beijing Platform for Action.**

243. **The Committee requests the State party to include adequate statistical data and analysis, disaggregated by sex and by urban and rural areas, in its next report so as to provide a full picture of the implementation of all the provisions of the Convention. It also recommends that the State party regularly conduct impact assessments of its legislative reforms, policies and programmes to ensure that measures taken lead to the desired goals and that it inform the Committee about the results of these assessments in its next report.**

244. **The Committee urges the State party to utilize fully in its implementation of its obligations under the Convention, the Beijing Declaration and Platform for Action, which reinforce the provisions of the Convention, and requests the State party to include information thereon in its next periodic report.**

245. **The Committee also emphasizes that a full and effective implementation of the Convention is indispensable for achieving the Millennium Development Goals. It calls for the integration of a gender perspective and explicit reflection of the provisions of the Convention in all efforts aimed at the achievement of the Millennium Development Goals and requests the State party to include information thereon in its next periodic report.**

246. **The Committee notes that the adherence of States to the seven major international human rights instruments[1] enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. The Committee therefore encourages the Government of Maldives to consider ratifying the treaty to which it is not yet a party, namely, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.**

247. **The Committee requests the wide dissemination in Maldives of the present concluding comments in order to make the people, including government**

officials, politicians, parliamentarians and women's and human rights organizations, aware of the steps that have been taken to ensure de jure and de facto equality of women, as well as the further steps that are required in that regard. The Committee requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Convention, its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".

248. **The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report under article 18 of the Convention. The Committee invites the State party to submit its fourth periodic report, which was due in July 2006, and its fifth periodic report, due in July 2010, in a combined report in 2010.**

Namibia

249. The Committee considered the combined second and third periodic report of Namibia (CEDAW/C/NAM/2-3) at its 759th and 760th meetings, on 17 January 2007 (see CEDAW/C/SR.759 and 760). The Committee's list of issues and questions is contained in CEDAW/C/NAM/Q/3 and Namibia's responses are contained in CEDAW/C/NAM/Q/3/Add.1.

Introduction

250. The Committee expresses its appreciation to the State party for its combined second and third periodic report, which followed the Committee's guidelines for the preparation of reports, while regretting that it did not refer to the Committee's general recommendations. The Committee also expresses its appreciation for the oral presentation, which elaborated on the recent developments in the implementation of the Convention in Namibia. It takes note of the written replies to the list of issues and questions raised by the pre-session working group and the oral responses to the questions posed by the Committee, while regretting that they insufficiently addressed the Committee's questions.

251. The Committee commends the State party on its high-level delegation, headed by the Minister of Gender Equality and Child Welfare, and expresses its appreciation for the constructive dialogue held between the delegation and the members of the Committee.

252. The Committee notes with satisfaction that the report includes reference to the implementation of the Beijing Platform for Action.

253. The Committee notes with appreciation that the report was prepared in a participatory process involving government bodies and non-governmental organizations.

254. The Committee commends the State party for its early ratification, in May 2000, to the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.

Positive aspects

255. The Committee commends the State party on the range of recent legal reforms and policies aimed at eliminating discrimination against women and promoting gender equality. In particular, it welcomes the Married Persons Equality Act (Act No. 1 of 1996), which abolishes the marital power of the husband that was previously applied in civil marriages, the Affirmative Action (Employment) Act (Act No. 29 of 1998), which encourages the participation of women in the formal workforce, the Combating of Rape Act (Act No. 8 of 2000), which provides protection to victims of rape and sexual abuse and prescribes stiffer sentences for perpetrators, the Communal Land Reform Act (Act No. 5 of 2002), which provides for equal opportunities for men and women to apply for and be granted land rights in communal areas, the Maintenance Act (Act No. 9 of 2003), which confers equal rights and obligations on spouses with respect to the support of their children, and the Domestic Violence Act (Act No. 4 of 2004), which provides for protection measures in domestic violence cases. It also welcomes the 1997 National Gender Policy, which outlines the framework and sets out principles for the implementation and coordination of activities on gender equality.

256. The Committee notes with appreciation that, in 2000, the Department of Women Affairs was upgraded to a full-fledged Ministry of Gender Equality and Child Welfare.

Principal areas of concern and recommendations

257. **While recalling the obligation of the State party to systematically and continuously implement all the provisions of the Convention, the Committee views the concerns and recommendations identified in the present concluding comments as requiring the State party's priority attention between now and the submission of the next periodic report. Consequently, the Committee calls upon the State party to focus on those areas in its implementation activities and to report on action taken and results achieved in its next periodic report. It also calls upon the State party to submit the present concluding comments to all relevant ministries and to Parliament so as to ensure their full implementation.**

258. The Committee regrets that the report does not contain information on mechanisms in place to monitor the impact of laws, policies and programmes aimed at promoting women's empowerment and gender equality. The Committee also regrets the limited availability of statistical data disaggregated by sex as well as by ethnicity, age and by urban and rural areas, which makes it difficult to assess over time the progress and trends in the actual situation of women and in their enjoyment of human rights in all areas covered by the Convention. The Committee is further concerned that no information was provided on measures taken on the results of the strengths, weaknesses, opportunities and threats (SWOT) analysis carried out in 2001 to identify the nature and level of the existing capacity for the effective use of the gender mainstreaming strategy in the State party.

259. **The Committee calls upon the State party to enhance its collection of data in all areas covered by the Convention, disaggregated by sex as well as by ethnicity, age and by urban and rural areas, as applicable, in order to assess the actual situation of women and their enjoyment of human rights and to track trends over time. It also calls upon the State party to monitor, through measurable indicators, the impact of laws, policies and programmes and to**

evaluate progress achieved towards realization of women's de facto equality. It encourages the State party to use those data and indicators in the formulation of laws, policies and programmes for the effective implementation of the Convention. The Committee requests the State party to include in its next report such statistical data and analysis. The Committee further calls upon the State party to take steps to implement the results of the SWOT analysis in order to ensure the effective and systematic use of the gender mainstreaming strategy in the State party's programmes and policies.

260. The Committee is concerned that the provisions of the Convention, the Optional Protocol and the general recommendations of the Committee are not sufficiently known, including by judges, lawyers and prosecutors, and by women themselves, as indicated by the absence of any court decisions that referred to the Convention.

261. **The Committee calls upon the State party to take measures to disseminate information about the Convention, the procedures under the Optional Protocol and the Committee's general recommendations and to implement programmes for prosecutors, judges, ombudspersons and lawyers that cover all relevant aspects of the Convention and the Optional Protocol. It also recommends that sustained awareness-raising and legal literacy campaigns targeting women, including rural women as well as non-governmental organizations working on women's issues, be undertaken to encourage and empower women to avail themselves of available procedures and remedies for violations of their rights under the Convention.**

262. While welcoming the adoption of the Affirmative Action (Employment) Act (Act No. 29 of 1998), to encourage the participation of women in the workforce, and the Local Authority Act (Act No. 23 of 1992), to ensure higher representation of women in the decision-making process, the Committee is concerned that these temporary special measures are limited to the areas of employment and women's political representation at the local level.

263. **The Committee recommends that the State party use temporary special measures in accordance with article 4, paragraph 1, of the Convention and general recommendation 25, in all appropriate areas of political, economic, social and cultural life so as to accelerate the achievement of women's de facto equality with men.**

264. The Committee expresses concern about the persistence of strong patriarchal attitudes and stereotypes regarding the roles and responsibilities of women and men in the family and society. The Committee is also concerned that the Traditional Authorities Act (Act No. 25 of 2000), which gives traditional authorities the right to supervise and ensure the observance of customary law, may have a negative impact on women in cases where such laws perpetuate the use of customs and cultural and traditional practices that are harmful to and discriminate against women.

265. **The Committee calls upon the State party to take measures to bring about change in the widely accepted stereotypical roles of men and women. Such efforts should include comprehensive awareness-raising and educational campaigns that address women and men and girls and boys, with a view to eliminating the stereotypes associated with traditional gender roles in the family and in society, in accordance with articles 2 (f) and 5 (a) of the**

Convention. The Committee urges the State party to monitor carefully the impact of these measures and to report on the results achieved in its next periodic report. The Committee also calls on the State party to study the impact of the implementation of the Traditional Authorities Act (Act No. 25 of 2000) and the Community Courts Act (October 2003) so as to ensure that customs and cultural and traditional practices that are harmful to and discriminate against women are discontinued.

266. While noting the various legal and other initiatives taken by the State party to address violence against women, the Committee is concerned that violence against women remains a serious problem. The Committee is also concerned that no statistical data and information are provided to measure the impact and effectiveness of the State party's legal and policy measures aimed at preventing and redressing violence against women.

267. **The Committee calls upon the State party to take steps to fully implement and enforce laws on violence against women and to ensure that women victims of violence are able to benefit from the existing legislative framework. It also calls upon the State party to ensure that all violence against women is effectively prosecuted and adequately punished. It requests that the State party put in place an effective data collection system on all forms of violence against women and to provide statistical data and information in its next report on the number of cases of violence reported to the police and other relevant authorities, as well as on the number of convictions. It further calls upon the State party to establish a monitoring and evaluation mechanism in order to regularly assess the impact and effectiveness of relevant laws, their enforcement, as well as of programmes aimed at preventing and redressing violence against women.**

268. The Committee regrets that insufficient information was provided in the report on the issue of trafficking in women and girls.

269. **The Committee requests the State party to carry out a study in order to assess the prevalence of trafficking in women and girls in the country and to include in its next periodic report a comprehensive assessment of the extent of trafficking and its root causes and measures taken to eliminate the vulnerability of women and girls to trafficking. Such information should be disaggregated by age and geographical areas and should also include information on the impact of measures taken and of results achieved.**

270. The Committee expresses concern about the high dropout rates of girls from formal education. The Committee is also concerned that the provision contained in the Policy on Pregnancy among Learners requiring that girls who become pregnant should be allowed to return to normal schooling only after spending at least one year with the baby could act as a deterrent for girls to resume their studies after childbirth. The Committee regrets that insufficient statistical data and information were provided on girls' education.

271. **The Committee recommends that the State party implement measures to retain girls in school and monitor the impact of the Policy on Pregnancy among Learners on the rate at which girls return to school after childbirth. The Committee requests that the State party give high priority to the implementation of its programme on population and family life education. The**

Committee calls on the State party to include, in its next report, statistical data disaggregated by sex, ethnicity and region, as well as information on girls' education, providing analysis of trends over time and progress towards the achievement of goals.

272. The Committee expresses its concern about the lack of access of women to adequate health-care services, including to sexual and reproductive health services. It remains concerned at the widespread use of unsafe illegal abortions, with consequent risks on women's life and health. The Committee is also concerned about the steady increase in the number of HIV/AIDS infected women, who account for 53 per cent of all reported new HIV cases. The Committee further expresses its concern over the increasing rate of maternal mortality and the fact that reliable data on this subject is not available.

273. **The Committee urges the State party to take concrete measures to enhance women's access to health care, in particular to sexual and reproductive health services, in accordance with article 12 of the Convention and the Committee's general recommendation 24 on women and health. It also recommends the adoption of measures to increase knowledge of and access to affordable contraceptive methods, so that women and men can make informed choices about the number and spacing of children, as well as access to safe abortion in accordance with domestic legislation. It further recommends that sex education be widely promoted and targeted at adolescent girls and boys, with special attention paid to the prevention of early pregnancy and the control of sexually transmitted diseases and HIV/AIDS. The Committee also calls upon the State party to ensure that its National Strategic Plan (MTP III) 2004-2009 is effectively implemented and its results monitored and that the socio-economic factors that contribute to HIV infection among women are properly addressed. The Committee urges the State party to improve women's access to maternal health services, including antenatal, post-natal, obstetric and delivery services. It encourages the State party to take steps to ensure accurate recording of maternal deaths and to obtain assistance for this from the United Nations Children's Fund (UNICEF), the United Nations Population Fund (UNFPA) and the World Health Organization (WHO).**

274. The Committee is concerned about the situation of women in rural areas, especially women from ethnic minorities, who often lack access to health, education, decision-making processes and the means and opportunities for economic survival, as well as about women's underrepresentation in the regional councils.

275. **The Committee recommends that the State party pay special attention to the situation of rural women of all ethnic groups, in compliance with article 14 of the Convention, to ensure that rural women have access to education, health services and credit facilities and land and that they participate fully in decision-making processes, especially in the regional councils. The Committee also urges the State party to disseminate information on the Communal Land Reform Act (Act No. 5 of 2002) and to ensure that mechanisms are in place to monitor implementation of the Act.**

276. While welcoming the passage of the Married Persons Equality Act (Act No. 1 of 1996), which gives wives and husbands in both civil and customary marriages equal power of guardianship in respect of children, the Committee is concerned that this law does not address the gender inequalities in customary marriages regarding

property. The Committee is also concerned that Namibian law does not require the registration of customary marriages. The Committee is further concerned that early marriage continues in spite of the fact that the Married Persons Equality Act fixes the legal age of marriage at 18 years for both boys and girls.

277. **The Committee calls upon the State party to review the Married Persons Equality Act (Act No. 1 of 1996), with a view to eliminating discrimination against women in customary marriages related to property rights in order to bring such rights in customary marriages into line with those in civil marriages. The Committee also calls upon the State party to take all necessary steps, including the process of consulting traditional leaders, women and civil society organizations, in order to draft a bill on the registration of customary marriages. The Committee recommends that the State party take steps to ensure that the legal age of marriage is respected.**

278. **The Committee encourages the State party to accept, as soon as possible, the amendment to article 20, paragraph 1, of the Convention concerning the meeting time of the Committee.**

279. **The Committee urges the State party, in its implementation of its obligations under the Convention, to utilize fully the Beijing Declaration and Platform for Action, which reinforce the provisions of the Convention, and requests the State party to include information thereon in its next periodic report.**

280. **The Committee also emphasizes that full and effective implementation of the Convention is indispensable for achieving the Millennium Development Goals. It calls for the integration of a gender perspective and explicit reflection of the provisions of the Convention in all efforts aimed at the achievement of the Millennium Development Goals and requests the State party to include information thereon in its next periodic report.**

281. **The Committee notes that the adherence of States to the seven major international human rights instruments[1] enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. The Committee therefore encourages the Government of Namibia to consider ratifying the treaty to which it is not yet a party, namely, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.**

282. **The Committee requests the wide dissemination in Namibia of the present concluding comments in order to make the people, including government officials, politicians, parliamentarians and women's and human rights organizations, aware of the steps that have been taken to ensure de jure and de facto equality of women, as well as the further steps that are required in that regard. The Committee requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Convention, its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".**

283. **The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report under**

article 18 of the Convention. The Committee invites the State party to submit its fourth periodic report, which was due in December 2005, and its fifth periodic report, due in December 2009, in a combined report in 2009.

4. Third periodic report

Suriname

284. The Committee considered the third periodic report of Suriname (CEDAW/C/SUR/3) at its 769th and 770th meetings, on 25 January 2007 (see CEDAW/C/SR.769 and 770). The Committee's list of issues and questions is contained in CEDAW/C/SUR/Q/3, and the responses of Suriname are contained in CEDAW/C/SUR/Q/3/Add.1.

Introduction

285. The Committee expresses its appreciation to the State party for its third periodic report, which followed the Committee's guidelines for the preparation of reports, while regretting that it provided insufficient information on the implementation of the provisions of the Convention and did not refer to the general recommendations of the Committee. The Committee commends the State party for the written replies to the list of issues and questions raised by the pre-session working group, for the oral presentation, which elaborated on the recent developments in the implementation of the Convention in Suriname, and for the responses to the questions posed orally by the Committee.

286. The Committee commends the State party for its delegation, headed by the Coordinating Director for Gender within the Directorate of the Ministry of Home Affairs. The Committee appreciates the frank and constructive dialogue held between the delegation and the members of the Committee.

Positive aspects

287. The Committee commends the adoption of the Integral Gender Action Plan 2006-2010, which includes 10 priority areas, and the establishment of a network of gender focal points in the different ministries of Government.

288. The Committee welcomes the announcement by the delegation that the term of the National Committee on Gender Legislation will be extended, that it will have a permanent nature and that its task will be to continuously assess national legislation in regard to compliance with international conventions and to present concrete legislative amendments to the Government.

289. The Committee notes with satisfaction that a branch office of the National Bureau of Gender Policy has been opened and welcomes the statement of the delegation that more branch offices will be established in the future.

290. The Committee welcomes the statement by the delegation that there are no obstacles hindering the State party's future ratification of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.

Principal areas of concern and recommendations

291. **While recalling the State party's obligation to systematically and continuously implement all the provisions of the Convention, the Committee**

views the concerns and recommendations identified in the present concluding comments as requiring the State party's priority attention between now and the submission of the next periodic report. Consequently, the Committee calls upon the State party to focus on those areas in its implementation activities and to report on action taken and results achieved in its next periodic report. It also calls upon the State party to submit the present concluding comments to all ministries and to Parliament so as to ensure their full implementation.

292. The Committee is concerned that, although the State party acceded to the Convention in 1993, it appears that the Convention has not yet been fully incorporated into domestic legislation and that its provisions are not directly applicable. The Committee is concerned that the provisions of the Convention and the general recommendations of the Committee are not sufficiently known, especially by judges, lawyers and prosecutors, nor by the majority of Surinamese women themselves.

293. **The Committee urges the State party to give high priority to ensuring that the Convention becomes fully applicable in the domestic legal system. The Committee calls upon the State party to take measures to disseminate information about the Convention and the Committee's general recommendations and to implement educational programmes for prosecutors, judges and lawyers that cover all relevant aspects of the Convention in order to firmly establish in the country a legal culture supportive of gender equality and non-discrimination. It also recommends that sustained awareness-raising and legal literacy campaigns targeting women, including rural women and non-governmental organizations working on women's issues, be undertaken to encourage and empower women to avail themselves of available procedures and remedies for violations of their rights under the Convention.**

294. The Committee continues to be concerned about provisions in the domestic law that discriminate against women, including provisions in the Nationality and Residence Act, the Penal Code and the Personnel Act. The Committee notes that, while some revisions have been made, such as the abolishment of the Asian Marriage Act, and the Committee on Gender Legislation has recommended a number of amendments to existing laws and the adoption of a law on equal treatment of women and men, the pace of legal reform is slow and there is a lack of real progress towards achieving women's de jure equality.

295. **The Committee reiterates its recommendation that the State party amend discriminatory provisions to bring them into line with the Convention and ensure compliance of all national legislation with the Convention. The Committee urges the State party, in particular, to repeal discriminatory provisions in the Nationality and Residence Act, the Penal Code and the Personnel Act. The Committee also urges the State party to give high priority to completing the necessary legal reform. It calls upon the State party to increase its efforts to sensitize Government officials, Parliament and the public regarding the importance of legal reform, which, according to article 2 of the Convention, must be undertaken without delay. The Committee requests the State party to ensure that the draft law on equal treatment of women and men is extended to acts of discrimination by public and private actors and includes a provision on temporary special measures, in accordance with article 4, paragraph 1, of the Convention.**

296. While noting the adoption of the Integral Gender Action Plan 2006-2010 and a range of other plans, policies and programmes to promote gender equality, the Committee is concerned about the lack of information on their implementation and impact. The Committee is concerned about the lack of precise and reliable statistical data disaggregated by sex in the report, which makes it difficult to assess accurately the actual situation of women in regard to all areas covered by the Convention. The Committee is concerned that the lack of data is also an impediment to the evaluation of the impact of measures taken by the State party and results achieved.

297. **The Committee calls upon the State party to put in place expeditiously a comprehensive system of sex disaggregated data collection in all areas covered by the Convention so as to assess the actual situation of women and to track trends over time. It calls upon the State party to monitor, through measurable indicators, the impact of plans, policies and programmes to promote gender equality and progress achieved towards the realization of women's de facto equality. It invites the State party, as necessary, to seek international technical assistance for the development of such data collection and analysis efforts. It encourages the State party to use these data and indicators and the results of studies undertaken to promote gender equality in the formulation of laws, plans, policies and programmes for the effective implementation of the Convention. The Committee requests the State party to include, in its next report, statistical data and analysis, disaggregated by sex and by rural and urban areas, in regard to the provisions of the Convention, indicating the impact of measures taken and of results achieved in the practical realization of women's de facto equality.**

298. While noting the State party's recognition of the important role of non-governmental organizations working on women's issues, the Committee is concerned that the State party seems to rely too heavily on such organizations in connection with the implementation of the Convention.

299. **While encouraging the State party to involve non-governmental organizations in all stages of the implementation of the Convention, including in policymaking, on a regular basis and in a structured way, the Committee emphasizes that the obligations under the Convention are those of the State party and urges it to ensure that implementation of the Convention is fully integrated into its overall governmental responsibilities.**

300. The Committee continues to be concerned about the persistence of patriarchal attitudes and deep-rooted stereotypes regarding the roles and responsibilities of women and men in the family and in society in Suriname, which are reflected in women's educational choices, their situation in the labour market and their low level of participation in political and public life. The Committee is concerned about persistent stereotypes found in school textbooks and curricula.

301. **The Committee requests the State party to enhance the training of teaching staff in regard to gender equality issues and to revise educational textbooks and curricula to eliminate gender-role stereotypes. The Committee urges the State party to disseminate information on the Convention through the educational system, including human rights education and gender-sensitivity training, so as to change existing stereotypical views and attitudes about women's and men's roles. The Committee calls upon the State party to further encourage diversification of the educational choices of boys and girls. It also**

urges the State party to encourage a public dialogue on the educational choices girls and women make and their subsequent opportunities and chances in the labour market. It recommends that awareness-raising campaigns be addressed to both women and men and that the media be encouraged to project positive images of women and of the equal status and responsibilities of women and men in the private and public spheres.

302. The Committee continues to be concerned about the prevalence of violence against women in Suriname, including domestic violence. It is concerned about the lack of updated data on all forms of violence against women. While noting the elaboration of two draft laws dealing with domestic violence, one of which is integrated into proposed amendments to the Penal Code and the other is a draft law on domestic violence, it regrets the lack of information on the content of those draft laws and is concerned about delays in their adoption.

303. **The Committee calls upon the State party to implement a comprehensive and coherent approach to addressing violence against women, including domestic violence, which should include prevention efforts, training measures aimed at public officials, especially law enforcement personnel, the judiciary, health-care providers and social workers to enhance their capacity to deal with violence against women in a gender-sensitive way, and measures to provide support for victims. It requests the State party to ensure that violence against women is prosecuted and punished with seriousness and speed. It urges the State party to enact a draft law on domestic violence as soon as possible, and calls upon it to ensure that all women who are victims of domestic violence, including rural women, have access to immediate means of redress and protection, including protection orders, and access to a sufficient number of safe shelters, as well as to legal aid, in accordance with the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women. It urges the State party to conduct research on the prevalence, causes and consequences of violence against women, including domestic violence, to serve as the basis for comprehensive and targeted intervention and to include the results of such research and of the impact of follow-up action taken in its next periodic report.**

304. While noting some measures taken to combat trafficking in persons, including the establishment of a Committee on Trafficking in Persons and amendments to the Penal Code regarding trafficking in persons, the Committee is concerned about the lack of information regarding the extent of trafficking in women and girls in Suriname and the absence of adequate measures taken to address that issue. The Committee is concerned about the exploitation of prostitution in both urban and rural centres and the absence of efforts to combat that phenomenon.

305. **The Committee urges the State party to adopt necessary legislation and develop a comprehensive anti-trafficking strategy and plan of action to combat that phenomenon. Steps should include the collection and analysis of data, including from the police and international sources, the prosecution and punishment of traffickers and measures to prevent trafficking and for the rehabilitation and social integration of women and girls who are victims of trafficking. The Committee requests the State party to ensure the effective prosecution and punishment of those who exploit prostitution. The Committee urges the State party to pursue a holistic approach in addressing the question of**

prostitution and, in particular, to provide women and girls with education and economic alternatives to prostitution. The Committee requests the State party to provide, in its next report, comprehensive information and data on trafficking in women and girls, on exploitation of prostitution and on the measures taken to prevent and combat such activities, including their impact. The Committee recommends that, in those matters, the State party pay special attention to the situation of Maroon women.

306. While noting the delegation's statement that the National Bureau of Gender Policy is in the process of being upgraded and the establishment of gender focal points in different ministries, the Committee is concerned that the Bureau is not sufficiently informed about legislative and other measures taken to promote gender equality and still lacks sufficient authority, decision-making power and financial and human resources to coordinate effectively the Government's work to promote gender equality and the full implementation of the Convention.

307. **The Committee requests the State party to ensure that the national machinery for the advancement of women has the necessary authority, decision-making power and human and financial resources to work effectively for the promotion of gender equality and the enjoyment of women's rights, and undertake effective coordination of initiatives across all government sectors. It encourages the State party to ensure that gender focal points with each ministry are composed of senior-level staff with direct access to decision makers and adequate links to the National Bureau of Gender Policy. The Committee encourages the State party to raise awareness and build capacity of government officials and staff at all levels on gender equality.**

308. While noting the increase in the representation of women in the National Assembly, from 17.6 per cent in 2000 to 25 per cent in 2005, the Committee is concerned about the continuing underrepresentation of women in public and political life and in decision-making positions, including in the National Assembly, the Government, diplomatic services and regional and local/municipal bodies.

309. **The Committee encourages the State party to take sustained measures, including temporary special measures, in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendations 23 and 25 to accelerate women's full and equal participation in elected and appointed bodies, including at the international level. Such measures should extend to indigenous and other racial minority women and include: establishing benchmarks, numerical goals and timetables; conducting training programmes on leadership and negotiation skills for current and future women leaders; and regular monitoring of progress made and results achieved. It further urges the State party to undertake awareness-raising campaigns about the importance of women's participation in public and political life and at decision-making levels for society as a whole.**

310. The Committee continues to be concerned about discrimination against women in the field of employment and, in particular, with regard to the non-availability of paid maternity leave in the private sector, especially for women working in small businesses. The Committee is also concerned about childcare facilities, which lack regulation of any sort. It is concerned about the occupational segregation between women and men in the labour market and the persistent wage gap, as well as the high level of unemployment among women.

311. **The Committee reiterates its recommendation that the State party ensure that all women workers have working conditions equal to those of men, including freedom from sexual harassment and social security benefits and provision for paid maternity leave for all working women, including those working in small businesses. The Committee also recommends that the State party provide a sufficient number of childcare facilities under quality supervision. It recommends that efforts be strengthened to eliminate occupational segregation, both horizontal and vertical, and measures be adopted to narrow and close the wage gap between women and men, for example by linking job evaluation schemes in the public sector with wage increases in sectors dominated by women. It also recommends that efforts be strengthened to ensure access by women, including indigenous and other racial minority women, to vocational training. The Committee requests the State party to provide information on the measures taken in its next report.**

312. The Committee reiterates its concern about the provisions in the Penal Code regarding family planning, including prohibiting the display and offering of contraceptives, and the restriction on abortion, although the provisions are not enforced. The Committee is concerned about the high maternal mortality rates and the prevalence of teenage pregnancy. The Committee also reiterates its concern about the increasing HIV/AIDS infection rates of women and girls, including women in the interior and in rural areas.

313. **The Committee reiterates its recommendation that the laws restricting family planning activities and abortion services, which are "dead letter" laws, be repealed. It urges the State party to take concrete measures to enhance and monitor access to health-care services for women, including in the interior and in rural areas, in accordance with article 12 of the Convention and the Committee's general recommendation 24 on women and health. It requests the State party to strengthen measures aimed at the prevention of unwanted pregnancies, especially among teenagers. Such measures should include making widely available, without any restriction, a comprehensive range of contraceptives and increasing knowledge and awareness about family planning. The Committee requests the State party to include in its next report detailed and statistical information on women's health and on the impact of measures it has taken to improve women's health and access to health-care services, including family planning, and about the impact of those measures on reducing maternal mortality rates and teenage pregnancy rates. The Committee recommends that the State party step up its efforts to prevent and combat HIV/AIDS and improve the dissemination of information about the risks and ways of transmission. It recommends that the State party include a gender perspective in all its policies and programmes on HIV/AIDS. It calls upon the State party to ensure the effective implementation of its HIV/AIDS strategies and to provide detailed and statistical information about women and HIV/AIDS in its next report.**

314. The Committee reiterates its concern about the precarious situation of rural women and women in the interior, in particular indigenous Amerindian and Maroon women, who lack access to adequate health services, education, clean water and sanitation services and to credit and other facilities and infrastructure.

315. **The Committee reiterates its recommendation that the State party give full attention to the needs of rural women and women in the interior, particularly Amerindian and Maroon women, and ensure that they have access to health care, education, social security, clean water and sanitation services, fertile land, income-generating opportunities and participation in decision-making processes. It requests the State party to provide, in its next report, a comprehensive picture of the de facto situation of rural women in all areas covered by the Convention and on the impact of measures taken and results achieved in the implementation of policies and programmes that are targeted to enhancing the situation of these women.**

316. **The Committee encourages the State party to ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women and to accept, as soon as possible, the amendment to article 20, paragraph 1, of the Convention concerning the meeting time of the Committee.**

317. **The Committee urges the State party to utilize fully, in its implementation of the obligations under the Convention, the Beijing Declaration and Platform for Action, which reinforce the provisions of the Convention, and requests the State party to include information thereon in its next periodic report.**

318. **The Committee also emphasizes that full and effective implementation of the Convention is indispensable for achieving the Millennium Development Goals. It calls for the integration of a gender perspective and the explicit reflection of the provisions of the Convention in all efforts aimed at the achievement of the Goals, and requests the State party to include information thereon in its next periodic report.**

319. **The Committee notes that the adherence of States to the seven major international human rights instruments[1] enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. Therefore, the Committee encourages the Government of Suriname to consider ratifying the treaties to which it is not yet a party, namely, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.**

320. **The Committee requests the wide dissemination in Suriname of the present concluding comments in order to make the people, including government officials, politicians, parliamentarians and women's and human rights organizations, aware of the steps that have been taken to ensure the de jure and de facto equality of women, as well as the further steps that are required in that regard. The Committee requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Convention, its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".**

321. **The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report under article 18 of the Convention. The Committee invites the State party to submit**

its fourth periodic report, which was due in March 2006, and its fifth periodic report, which is due in March 2010, in a combined report in 2010.

5. Fourth periodic report

Netherlands

322. The Committee considered the fourth periodic report of the Netherlands (CEDAW/C/NLD/4 and CEDAW/C/NLD/4/Add.1) at its 767th and 768th meetings, on 24 January 2007 (CEDAW/C/SR.767 and 768). The Committee's list of issues and questions is contained in CEDAW/C/NLD/Q/4, and the responses of the Netherlands are contained in CEDAW/C/NLD/Q/4/Add.1.

Introduction

323. The Committee expresses its appreciation to the State party for its fourth periodic report, but regrets that it did not contain information on articles 2, 3 and 4 of the Convention. The Committee notes with appreciation the submission of a separate report by Aruba. The Committee also expresses its appreciation for the written replies to the list of issues and questions raised by the pre-session working group and for the oral presentation and responses to the questions posed by the Committee.

324. The Committee commends the State party for its high-level delegation headed by the Minister of Social Affairs and Employment, which included experts from different ministries and departments of the Government, as well as representatives from Aruba. The Committee expresses its appreciation for the constructive dialogue held between the delegation and the members of the Committee. The Committee reiterates its regret at the absence of information, in the report and the responses, on the Netherlands Antilles and of a representative of the Netherlands Antilles in the delegation.

325. The Committee commends the State party for having ratified the Optional Protocol to the Convention in 2002.

Positive aspects

326. The Committee notes with satisfaction the efforts made to implement the Convention through the adoption of laws, policies and programmes, including the Dutch multi-year emancipation policy plan, 2000-2010.

327. The Committee congratulates the State party for its international assistance and bilateral cooperation programmes designed to promote and protect women's rights. The Committee also congratulates the State party on its efforts, nationally and internationally, to enhance implementation of Security Council resolution 1325 (2000) on women, peace and security.

328. The Committee commends the State party for objecting to reservations entered by other States parties that it considers incompatible with the object and purpose of the Convention.

Principal areas of concern and recommendations

329. **While recalling the State party's obligation to implement systematically and continuously all provisions of the Convention, the Committee views the**

concerns and recommendations identified in the present concluding comments as requiring the State party's priority attention between the present time and the time of submission of the next periodic report. Consequently, the Committee calls upon the State party to focus on those areas in its implementation activities and to report on the action taken and the results achieved in its next periodic report. It calls upon the State party to submit the present concluding comments to all relevant ministries and to Parliament so as to ensure their full implementation.

330. While acknowledging that it has received a report on the implementation of the Convention in Aruba, the Committee expresses its concern that no report was submitted on the status of implementation of the Convention in the Netherlands Antilles and that the delegation was unable to provide any information in that regard during the constructive dialogue.

331. **The Committee calls upon the State party to ensure that information on the implementation of the Convention in the Netherlands Antilles and the practical realization of the principle of equality between women and men on all areas covered by the Convention, as well as sex-disaggregated data, are included in its next periodic report. It further calls upon the State party to ensure the participation in the future of representatives from the Netherlands Antilles in its constructive dialogue with the Committee.**

332. The Committee remains deeply concerned about the status of the Convention in the domestic legal system, and in particular that the Government seems to consider that not all of the Convention's substantive provisions are directly applicable. It notes the delegation's position that it is the responsibility of the judiciary to determine whether a particular provision of the Convention is directly applicable in the domestic legal order. It is further concerned that as a consequence of this position, insufficient efforts have been made to incorporate all the Convention's substantive provisions into domestic laws.

333. **The Committee calls upon the State party to reconsider its position that not all the substantive provisions of the Convention are directly applicable within the domestic legal order and to ensure that all of its provisions are fully applicable in the domestic legal order. The Committee points out that by ratifying the Convention and its Optional Protocol, States parties assume the obligation to provide for domestic remedies for alleged violations of any rights guaranteed to individuals by the Convention. It also recommends that the State party increase its efforts to raise awareness about the Convention and its Optional Protocol and the Committee's general recommendations among judges, prosecutors and lawyers to ensure that the spirit, objectives and provisions of the Convention are well known and used in judicial processes.**

334. The Committee is concerned that coordination and effective follow-up and monitoring of the use of the gender mainstreaming strategy in policies and programmes of different departments is not ensured. It is also concerned about the insufficient knowledge of the Convention within different Government departments.

335. **The Committee recommends that one Government department be designated and actively take up the responsibility and leadership role in coordinating the use of the gender-mainstreaming strategy in policies and programmes of all other Government departments, as well as to ensure**

effective monitoring and evaluation of results achieved. It also encourages that such a department ensure that knowledge of the Convention is effectively promoted at all levels and sectors of Government with the aim of promoting de jure and de facto equality between women and men.

336. The Committee is concerned about the persistence of gender-role stereotypes, in particular about immigrant and migrant women and women belonging to ethnic minorities, including women from Aruba, which are reflected in women's position in the labour market where they predominate in part-time work, and in participation in public life and in decision-making. It is also concerned about the lack of in-depth studies and analysis about the impact of such gender-role stereotypes for the effective implementation of all the provisions of the Convention.

337. **The Committee urges the State party to undertake research and studies on the impact of gender-role stereotyping for the effective implementation of all the provisions of the Convention, in particular in regard to the ability of migrant and immigrant women, women belonging to ethnic minorities and women from Aruba to enjoy their human rights. It also calls upon the State party to undertake awareness-raising campaigns targeting the general public on the negative impact of such stereotypes on society as a whole.**

338. The Committee reiterates its concern regarding the low presence of women in high-ranking posts in all public sectors, including at the international level, in academia, and in the private and business sectors. It is concerned by the low presence of women in elected bodies at the provincial and local levels. The Committee expresses its concern that there are no statistics on the number of immigrant, refugee and minority women in decision-making positions. The Committee is concerned that the State party did not provide any information on and does not support the adoption of quotas to accelerate the achievement of women's full and equal participation in public life and in decision-making bodies, including of immigrant, refugee and minority women.

339. **The Committee urges the State party to take sustained measures to accelerate women's full and equal participation in public life and decision-making, especially in high-ranking posts, at the provincial and municipal levels and in the private and business sectors. It calls upon the State party to use temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendations 25 on temporary special measures, and 23 on women in political and public life. It encourages the State party to ensure that the representation of women in political and public bodies reflects the full diversity of the population and to include immigrant, refugee and minority women. The Committee requests the State party to provide detailed sex-disaggregated data and information on the representation of women, including immigrant, refugee and minority women, in elected and appointed bodies, including at the decision-making level, and trends over time in its next periodic report.**

340. While acknowledging plans to adopt protection orders, the Committee is concerned about the persistence of violence against women, including domestic violence, and that there is insufficient data on all forms of violence against women, in particular against immigrant, refugee and minority women. The Committee is also concerned that the policy on violence against women is couched in gender-neutral language, which undermines the notion that such violence is a form of discrimination

against women. The Committee is further concerned that no free legal aid is provided to victims of domestic violence, under certain circumstances only.

341. **The Committee calls upon the State party to ensure the systematic collection of statistical data disaggregated by sex, by type of violence, by the relationship of the perpetrator to the victim and by ethnicity. It encourages the State party to proceed with the elaboration of effective protection orders and monitor the impact of its laws, policies and programmes on the persistence of violence against women and trends over time. It encourages the State party to engage in awareness-raising campaigns on violence against women. It further urges the State party to ensure that free legal aid is provided to all victims of domestic violence so that they can seek access to justice and remedies and make informed decisions regarding, inter alia, criminal proceedings and family law.**

342. The Committee is concerned at the insufficient evaluation of the abolition of the ban on brothels, noting that the study that was conducted was inconclusive. The Committee is especially concerned about the insufficient assessment of the impact of the law on the position of foreign women engaged in prostitution, since the vast majority of prostitutes are migrant women who are excluded from working legally as prostitutes and who may be especially vulnerable to exploitation and violence.

343. **The Committee encourages the State party to appoint a neutral, independent body to conduct an impact assessment of the intended as well as unintended effects of the law abolishing the ban on brothels. Such an assessment should also cover the risks of violence and health risks, in particular for women without residence permits who are engaged in prostitution. It requests the State party to provide the findings of such an assessment in its next report, including information about steps and measures taken in response thereto.**

344. The Committee is concerned about the number of women and minor girls who are victims of trafficking. It is also concerned about the exclusion from protection under the B-9 regulation of victims who do not cooperate in the investigation and prosecution of traffickers.

345. **The Committee urges the State party to provide information in its next report on the number of women and minor girls who are victims of trafficking. It calls upon the State party to provide for the extension of temporary protection visas, reintegration and support services to all victims of trafficking, including those who are unable or unwilling to cooperate in the investigation and prosecution of traffickers.**

346. The Committee notes with concern that a political party continues to discriminate against women and exclude them from party posts, which is a violation of articles 1, 2 and 7 of the Convention. The Committee notes with concern that the State party has appealed a decision by the District Court of The Hague of September 2005, No. AU2088, which gave direct effect to article 7 of the Convention in national law and which held that the State's funding, under the Political Parties (Funding) Act, of a political party that excludes women from membership was in violation of its obligations under the Convention.

347. **The Committee recommends that the State party adopt legislation to bring the qualification for seeking political office into conformity with its obligations under articles 1, 2 and 7 of the Convention, as well as to consider withdrawing**

its appeal and acknowledging the direct effect of the Convention in the domestic legal order.

348. The Committee is concerned that immigrant, refugee and minority women continue to suffer from multiple forms of discrimination, including with respect to access to education, employment and health and prevention of violence against them. The Committee is particularly concerned that racism persists in the Netherlands, particularly against women and girls. The Committee is further concerned that many immigrant, refugee and minority women are unable to qualify for independent residence permits because of stringent requirements in law and policy. The Committee is especially concerned about the requirement that migrant victims of domestic violence must press charges against their abusers before they may be considered for an independent residence permit, the mandatory requirement in the Integration Act that women follow expensive integration courses and pass integration examinations and the increase in the income requirement for family reunification. The Committee is also concerned that, with the exception of female genital mutilation, sexual and domestic violence is not recognized generally as grounds for asylum.

349. **The Committee urges the State party to take effective measures to eliminate discrimination against immigrant, refugee and minority women, both in society at large and within their communities. It encourages the State party to increase its efforts to prevent acts of racism, particularly against women and girls. The Committee urges the State party to conduct impact assessments of the laws and policies which affect immigrant, refugee and minority women and to include data and analyses in its next report. The Committee also requests the State party to include information on the number of women who were granted residence permits, as well as those who were granted refugee status on grounds of domestic violence.**

350. While the Committee notes the efforts made by the State party to improve the situation of women in the labour market, it remains concerned about the serious disadvantages women continue to experience in employment. It is particularly concerned that the number of women in the higher echelons of the labour market remains low, that women are concentrated in certain low-wage sectors and in part-time work and that a considerable wage gap between men and women persists. It is further concerned about the absence of proper procedures to deal with complaints from employees about discrimination, as well as the repeal of the Invalidity Insurance (Self-Employed Persons) Act in 2004, which resulted in the termination of maternity allowance for independent entrepreneurs.

351. **The Committee urges the State party to intensify its efforts to ensure equal opportunities for women and men in the labour market. The Committee recommends that the State party take measures to eliminate occupational segregation, in particular through the further diversification of educational and training opportunities, and to take steps to ensure that all wage differentials in the workplace are eliminated. The Committee further urges the State party to create more opportunities for women to gain access to full-time employment and to encourage men, including through awareness-raising, to share responsibility for childcare equally. The Committee calls upon the State party to adopt legislation designed to ensure that companies and organizations introduce proper complaints mechanisms, as well as to reinstate maternity**

benefits for all women in line with article 11 (2) (b) of the Convention. The Committee calls upon the State party to consider the findings of the Equal Pay Working Group, which is due to report in 2007, and to take relevant follow-up steps.

352. The Committee is concerned about the termination by the State party of compensation for the cost of contraception for women over the age of 21 and its consequences on the sexual and reproductive rights and health of women with lower incomes.

353. **The Committee encourages the State party to monitor the effects of the withdrawal of compensation for the cost of contraception for women over the age of 21, and to include information in its next report on its impact on the reproductive rights and health of women.**

354. The Committee reiterates its concern that the Law on Names provides that, where the parents cannot reach an agreement as to the name of a child, the father has the ultimate decision, which contravenes the basic principle of the Convention regarding equality, in particular article 16 (g) thereof.

355. **The Committee repeats its recommendation that the State party review the Law on Names and amend it to comply with the Convention.**

356. The Committee regrets the absence of sufficient information and data, including statistical data, on the impact on women with disabilities and elderly women, of its legislation and policies in the social sector, including in regard to health and benefits.

357. **The Committee requests the State party to provide in its next report data and information, disaggregated by ethnicity, on the impact on disabled women and elderly women of its social sector legislation and policies, including with regard to their health and other benefits.**

358. The Committee is concerned that there is not sufficient information in the report of Aruba, in particular on prostitution and trafficking. The Committee is further concerned about the high rate of teenage pregnancies and the number of women infected with HIV/AIDS. The Committee is further concerned about the absence of specific measures to address violence against women in the penal code of Aruba.

359. **The Committee recommends that Aruba compile data, including sex disaggregated data, on prostitution and trafficking and include such information in its next report. It further recommends that sex education be widely promoted and targeted at both girls and boys, with special attention to the prevention of early pregnancy and the control of sexually transmitted diseases and HIV/AIDS. It calls upon Aruba to ensure the effective implementation of its HIV/AIDS strategies and to provide detailed statistical and analytical information about women and HIV/AIDS in its next periodic report. The Committee recommends that Aruba pass specific legislation on violence against women.**

360. The Committee is concerned about the new approach the Government is taking for funding work done by non-governmental organizations. It is concerned that the new approach, under which non-governmental organizations must apply for project

funding, may restrict their ability to obtain funding for monitoring compliance with the Convention.

361. **The Committee recommends that the State party ensure that non-governmental organizations are able to effectively contribute to the continuing implementation of the Convention. It recommends that the State party conduct an assessment of the effect and impact of its new funding scheme to non-governmental organizations and consider revising it in the event that non-governmental organizations are negatively affected in their ability to monitor governmental compliance with the Convention.**

362. **The Committee urges the State party to utilize fully, in its implementation of its obligations under the Convention, the Beijing Declaration and Platform for Action, which reinforce the provisions of the Convention, and requests the State party to include information thereon in its next periodic report.**

363. **The Committee emphasizes that full and effective implementation of the Convention is indispensable for achieving the Millennium Development Goals. It calls for the integration of a gender perspective and explicit reflection of the provisions of the Convention in all efforts aimed at the achievement of the Goals, and requests the State party to include information thereon in its next periodic report.**

364. **The Committee notes that adherence by States to the seven major international human rights instruments[1] enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. Therefore, the Committee encourages the Government of the Netherlands to consider ratifying the treaty to which it is not yet a party, namely, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.**

365. **The Committee requests the wide dissemination in the Netherlands of the present concluding comments in order to make the people, including governmental officials, politicians, parliamentarians and women's and human rights organizations, aware of the steps that have been taken to ensure de jure and de facto equality of women and of the further steps that are required in that regard. The Committee requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Convention, its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".**

366. **The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report under article 18 of the Convention, which is due in August 2008.**

Request for a follow-up report

367. The Committee expresses its dissatisfaction with the failure of the State party to submit information on, and the lack of responses to questions pertaining to, the status of implementation of the Convention in the Netherlands Antilles. Consequently, it requests the State party, in conformity with article 18, paragraph 1 (b), of the Convention, to submit a follow-up report in January 2008 for consideration by the Committee later

in 2008 pertaining to the implementation of the Convention in the Netherlands Antilles. The follow-up report should follow the Committee's guidelines for the preparation of periodic reports. The follow-up report would not replace the fifth periodic report of the State party, which is due in August 2008 in accordance with article 18 of the Convention.

6. Combined fourth and fifth periodic report; sixth periodic report

Poland

368. The Committee considered the combined fourth and fifth periodic report (CEDAW/C/POL/4-5) and the sixth periodic report of Poland (CEDAW/C/POL/6) at its 757th and 758th meetings on 16 January 2007 (see CEDAW/C/SR.757 and 758). The Committee's list of issues and questions is contained in CEDAW/C/POL/Q/6, and Poland's responses are contained in CEDAW/C/POL/Q/6/Add.1.

Introduction

369. The Committee expresses its appreciation to the State party for the combined fourth and fifth periodic report and the sixth periodic report, which followed the Committee's guidelines and provided a comprehensive overview of the implementation of the Convention by the State party during the reporting period, while regretting that the reports were overdue. The Committee commends the State party for the written replies to the list of issues and questions raised by the pre-session working group and for the oral presentation, which provided updated information on recent developments and efforts in the implementation of the Convention in Poland, and for the responses to the questions posed orally by the Committee.

370. The Committee commends the State party for its delegation, headed by the Under-Secretary of State in the Ministry of Labour and Social Policy, which included representatives of various ministries. The Committee expresses its appreciation to the State party for the constructive dialogue between the delegation and the members of the Committee.

371. The Committee commends the State party on its accession to the Optional Protocol to the Convention on 22 December 2003.

Positive aspects

372. The Committee commends the State party on the recent adoption of a number of laws aimed at eliminating discrimination against women and promoting gender equality and at achieving compliance with its obligations under the Convention. In particular, it welcomes the amendments to the Labour Code of 2001 and 2002 to include a new chapter on the equal treatment of women and men and to provide definitions for direct and indirect discrimination; the Social Welfare Act of 2004; the Law on Combating Domestic Violence of 2005; and amendments to the Law on Aliens and on Protecting Aliens in the territory of the Republic of Poland to enhance protection for trafficked persons.

373. The Committee commends the State party on the adoption and ongoing implementation of a number of policies and programmes aimed at overcoming de facto discrimination against women and enhancing women's equal opportunities in the labour market; the National Programme to Counteract Domestic Violence; the

European Union Daphne III programme to combat violence against children, young people and women; the National Programme to Combat and Prevent Trafficking in Human Beings for 2005-2006, and the forthcoming programme for 2007-2008.

Principal areas of concern and recommendations

374. **While recalling the obligation of the State party to systematically and continuously implement all the provisions of the Convention, the Committee views the concerns and recommendations identified in the present concluding comments as requiring the State party's priority attention between now and the submission of its next periodic report. Consequently, the Committee calls upon the State party to focus on those areas in its implementation activities and to report on action taken and results achieved in its next periodic report. It also calls upon the State party to submit the present concluding comments to all relevant ministries and to the Parliament so as to ensure their full implementation.**

375. While noting that legislation now prohibits direct and indirect discrimination in the area of employment, the Committee is concerned that there is no general anti-discrimination law that contains a definition of discrimination against women in accordance with article 1 of the Convention, encompassing both direct and indirect discrimination, and covering all areas of the Convention. In that regard, it is concerned about the repeated rejection by the Parliament (Sejm), most recently in June 2005, of a comprehensive law on gender equality.

376. **The Committee urges the State party to include a definition of discrimination against women in accordance with article 1 of the Convention in the appropriate domestic legislation, such as the proposed law on gender equality. It also calls upon the State party to put in place procedures for the effective implementation, monitoring and enforcement of such legislation.**

377. The Committee expresses its concern at the abolition of the Government Plenipotentiary for Equal Status of Women and Men and the potential adverse impact the restructuring of the national machinery for the advancement of women of November 2005 may have on its capacity to serve as an effective mechanism for the promotion of gender equality and for coordinating the implementation of the gender mainstreaming strategy across all sectors of Government. It is concerned that its new location in the Department for Women, Family and Counteracting Discrimination at the Ministry of Labour and Social Policy may result in low priority and insufficient focus being given to the specific nature of discrimination against women, limit attention to discrimination against women to the field of employment, and reduce the visibility of gender equality issues across the full range of fields covered by the Convention.

378. **The Committee recommends that the State party take urgent steps to ensure that the necessary visibility and priority attention is given to the promotion of gender equality and women's enjoyment of their human rights, and that progress towards reaching the goal of gender equality across all areas covered by the Convention be adequately monitored. It also encourages the State party to put in place an effective inter-ministerial coordination mechanism so as to strengthen the use of the gender mainstreaming strategy in all Government ministries and agencies, in all sectoral areas and at all levels.**

379. The Committee regrets that insufficient information was provided on any assessment that might have been undertaken by the State party of the impact and results achieved in the implementation of the National Action Plan for Women for 2003-2005, and on whether that plan is still implemented or whether a new plan or comprehensive strategy for the achievement of equality between women and men will be developed.

380. **The Committee invites the State party to adopt a comprehensive national action plan for gender equality with sufficient resources, in consultation with women's non-governmental organizations, and to provide information in its next report on the impact of, and results achieved in, its implementation towards the realization of women's de facto equality.**

381. The Committee is concerned about continued underrepresentation of women in public and political life and in decision-making positions, including in Parliament, local representative bodies and the executive bodies of Government, including municipal government. The Committee is especially concerned about the decrease by 9 per cent in women's representation in the upper house of Parliament as a result of the elections in 2005. While welcoming the high proportion of women judges, it notes with concern that women remain underrepresented at the senior level of the judiciary and in higher level courts.

382. **The Committee encourages the State party to take sustained measures to accelerate women's full and equal participation in elected and appointed positions, including at the municipal and national levels, senior levels of the judiciary, higher level courts and in international representation. Such measures should include: the adoption of temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25; the establishment of benchmarks, numerical goals and timetables; the conduct of training programmes on leadership and negotiation skills for current and future women leaders; and regular monitoring of progress made and results achieved. It further urges the State party to undertake awareness-raising campaigns on the importance of women's participation in public and political life and in decision-making.**

383. The Committee is concerned about the persistence of deep-rooted prejudice and stereotypical attitudes regarding the traditional division of roles and responsibilities of women and men in the family and in society at large. Such stereotypes perpetuate discrimination against women and are reflected in many areas, such as in women's situation in the labour market, their low level of participation in political and public life and the persistence of violence against women. It also expresses its concern at the limited scope of, and support for, women's and gender studies programmes at universities, which results in a lack of research and specialized expertise on gender equality issues.

384. **The Committee urges the State party to intensify its efforts to overcome persistent and deep-rooted stereotypes that are discriminatory against women, and to galvanize action by all parts of society, especially the educational system, the media and non-governmental organizations, in order to counteract stereotypical attitudes and portrayals of women and to bring about cultural change whereby women's equal rights and dignity are fully respected. It also urges the State party to support the establishment and maintenance of women's**

and gender studies departments at universities, including through the provision of adequate State funding.

385. While noting the efforts undertaken by the State party to prevent and address violence against women, the Committee is concerned about the remaining gaps in the 2005 Law on Combating Domestic Violence, the perception of domestic violence as a gender-neutral phenomenon, and about insufficient services for victims, including immediate eviction of the perpetrator, free legal aid and the number of shelters available. It is also concerned about the remaining gaps in data collection on all forms and manifestations of violence against women.

386. **The Committee urges the State party to accord priority attention to preventing and combating all forms of violence against women and girls, in accordance with its general recommendation 19. It calls upon the State party to ensure that victims have immediate means of protection, by way of restraining orders issued by the police and access to a sufficient number of safe shelters staffed by expert personnel and other services including free legal aid, and also to ensure that systematic collection of data, disaggregated by types of violence and by the relationship of the perpetrator to the victim, is undertaken. The Committee recommends that the State party: conduct awareness-raising campaigns to combat violence against women, including domestic violence; undertake research on the root causes of violence against women, in particular domestic violence; and use such research as a basis for enhanced awareness-raising efforts to prevent and eliminate violence against women.**

387. While welcoming the adoption of the National Programme to Combat and Prevent Trafficking in Human Beings, and measures taken to combat such trafficking and provide assistance to victims, the Committee is concerned about the limited data on the scope of that phenomenon and the remaining gaps in the legal framework to combat it. It is also concerned about the lack of impact assessments of measures taken.

388. **The Committee urges the State party to include in its penal code a definition of trafficking in accordance with the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. It also urges the State party to strengthen data collection on trafficking and to monitor systematically the impact of, and results achieved in, the implementation of its policies and programmes in that area, including bilateral and multilateral agreements.**

389. While noting that the State party recognizes the serious problems encountered by women in gaining access to the labour market and places priority on addressing that challenge, the Committee expresses its concern about the situation of women in the labour market. It is concerned about different retirement ages for men (65) and women (60), women's higher unemployment rates as compared to that of men, the concentration of women in low-paying sectors of public employment such as health, social welfare and education, and the persistent significant gap in wages between women and men in the public and private sectors. It is also concerned about discrimination that women experience on the basis of age, which makes it difficult for them to enter and re-enter the labour force.

390. **The Committee urges the State party to strengthen its efforts aimed at ensuring equal opportunities for women and men in the labour market. It calls**

upon the State party to narrow and close the gap in wages between women and men through, inter alia, additional wage increases in female-dominated sectors of public employment. It calls upon the State party to monitor the impact of measures taken and results achieved, and to report thereon in its next periodic report. The Committee recommends that the same age of mandatory retirement be adopted for women and men.

391. The Committee expresses its concern that, as a result of the restructuring of the health sector, there has been a decrease in the number of clinics and health services available to women, in particular in rural areas. The Committee is concerned about the lack of official data and research on the prevalence of illegal abortion in Poland and its impact on women's health and life.

392. **The Committee urges the State party to take concrete measures to enhance women's access to health care, in particular to sexual and reproductive health services, in accordance with article 12 of the Convention and the Committee's general recommendation 24 on women and health. It calls on the State party to conduct research on the scope, causes and consequences of illegal abortion and its impact on women's health and life. It also urges the State party to ensure that women seeking legal abortion have access to it, and that their access is not limited by the use of the conscientious objection clause. It requests the State party to strengthen measures aimed at the prevention of unwanted pregnancies, including by making a comprehensive range of contraceptives widely available at an affordable price and by increasing knowledge and awareness about different methods of family planning. The Committee recommends that the State party give priority attention to the situation of adolescents and that it provide age-appropriate sex education, targeted at girls and boys, as part of educational curricula.**

393. The Committee is concerned that rural women may not benefit fully and equally from the State party's legislative and policy framework for the promotion of gender equality, and at the apparent lack of targeted policies and programmes.

394. **The Committee encourages the State party to ensure that rural women benefit in practice from existing general gender equality policies and measures. It also encourages the State party to design and implement targeted policies and programmes to enhance rural women's access to health, education, employment opportunities and other services, as well as to participation in decision-making in local government, making full use of the assessment of the situation of rural women that is currently being conducted. The Committee requests the State party to monitor the situation of rural women and trends over time in all areas covered by the Convention, as well as the impact of measures taken, and to report thereon in its next periodic report.**

395. The Committee regrets the lack of data and information on the situation of certain groups of women and girls in Poland, including Roma, refugees, asylum seekers and migrants, who are particularly disadvantaged.

396. **The Committee requests the State party to collect quantitative and qualitative information on the situation of disadvantaged groups of women and girls in Poland. It calls upon the State party to ensure that their special needs in areas such as education, health care and protection from violence are met, and to support their integration into Polish society.**

397. The Committee regrets the limited availability of statistical data disaggregated by sex and age and by urban and rural areas, which makes it more difficult for the Committee to assess progress and trends over time in the actual situation of women and their enjoyment of their human rights in all areas covered by the Convention.

398. **The Committee calls upon the State party to enhance its data collection and analysis of such data in all areas covered by the Convention so as to be able to assess more accurately the actual situation of women and their enjoyment of their human rights, disaggregated by sex and age and by urban and rural areas, as applicable, and to track trends over time, and to design and implement better targeted policies and programmes for the promotion of gender equality. It also calls upon the State party to monitor, through measurable indicators, the impact of laws, policies and action plans and evaluate progress achieved towards the realization of women's de facto equality. The Committee requests the State party to include such statistical data and analysis in its next report.**

399. The Committee expresses its concern at the lack of systematic consultations between the State party, and in particular its national machinery for the advancement of women, and a broad range of women's non-governmental organizations in the country. It regrets the absence of consultations of the State party with non-governmental organizations in the preparation of its periodic reports.

400. **The Committee urges the State party to institutionalize ongoing and systematic consultations with a broad range of women's non-governmental organizations on all issues pertaining to the promotion of gender equality.**

401. **The Committee encourages the State party to accept, as soon as possible, the amendment to article 20, paragraph 1, of the Convention concerning the meeting time of the Committee.**

402. **The Committee urges the State party to utilize fully, in its implementation of its obligations under the Convention, the Beijing Declaration and Platform for Action, which reinforce the provisions of the Convention, and requests the State party to include information thereon in its next periodic report.**

403. **The Committee also emphasizes that a full and effective implementation of the Convention is indispensable for achieving the Millennium Development Goals. It calls for the integration of a gender perspective and explicit reflection of the provisions of the Convention in all efforts aimed at the achievement of the Millennium Development Goals and requests the State party to include information thereon in its next periodic report.**

404. **The Committee notes that the adherence of States to the seven major international human rights instruments[1] enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. Therefore, the Committee encourages the Government of Poland to consider ratifying the treaty to which it is not yet a party, namely the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.**

405. **The Committee requests the wide dissemination in Poland of the present concluding comments in order to make the people, including government officials, politicians, parliamentarians and women's and human rights**

organizations, aware of the steps that have been taken to ensure de jure and de facto equality of women, as well as the further steps that are required in that regard. The Committee requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Convention, its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".

406. **The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report under article 18 of the Convention. The Committee invites the State party to submit its seventh periodic report, which was due in September 2006, and its eighth periodic report, due in September 2010, in a combined report in 2010.**

7. Combined fifth and sixth periodic reports

Colombia

407. The Committee considered the combined fifth and sixth periodic report of Colombia (CEDAW/C/COL/5-6) at its 769th and 770th meetings, on 25 January 2007 (see CEDAW/C/SR.769 and 770). The Committee's list of issues and questions is contained in CEDAW/C/COL/Q/6, and Colombia's responses are contained in CEDAW/C/COL/Q/6/Add.1.

Introduction

408. The Committee expresses its appreciation to the State party for its combined fifth and sixth periodic report, which followed the Committee's guidelines for the preparation of periodic reports. The Committee notes the quality of the report, which is informative and takes into account the general recommendations of the Committee. The Committee also expresses its appreciation to the State party for its written replies to the list of issues and questions raised by the pre-session working group and for the oral presentation and further clarifications offered in response to the questions posed orally by the Committee.

409. The Committee commends the State party for its high-level delegation, headed by the Presidential Counsellor for Women's Equity and which included the Vice-Minister of the Interior of the Ministry of the Interior and Justice and senior officials from other line ministries and programmes and a representative of civil society.

410. The Committee appreciates the fact that the large delegation was well prepared and had effectively coordinated its responses, which contributed to the comprehensive, frank and constructive dialogue held between the delegation and the members of the Committee and provided further insights into the real situation of women in Colombia.

411. The Committee commends the State party for its ratification of the Optional Protocol to the Convention on 23 January 2007.

Positive aspects

412. The Committee notes with satisfaction the progress made by the State party, since the consideration of its previous report in 1999, towards eliminating discrimination against women and promoting gender equality, including the adoption of numerous laws, strategic plans and concrete programmes and projects in regard to many of the provisions of the Convention, including in the education and health sectors, as well as in regard to women's participation in decision-making. It also welcomes the important contribution of the courts and judiciary to the promotion of gender equality and women's enjoyment of their human rights.

413. The Committee notes with appreciation the adoption and implementation of: the Quota Act (Act 581 of 2000), which guarantees women at least 30 per cent of discretionary appointments at the highest decision-making levels and high-level management posts in all public entities; the Strategic Plan for the defence of women's rights in the justice system of Colombia, 2006-2010; and the national agreement for equity between women and men of October 2003. It also welcomes the inclusion of gender perspectives in the new National Development Plan 2006-2010, which also includes a chapter on women's equality.

414. The Committee commends the important progress made by the State party to create and strengthen policy frameworks and institutional mechanisms to address the pervasive violence in the country, including all forms of violence against women, and to provide increased attention to internally displaced persons, especially women and children. The Committee also congratulates the State party on its efforts, nationally and internationally, to enhance implementation of Security Council resolution 1325 (2000) on women, peace and security.

Principal areas of concern and recommendations

415. **The Committee recalls the State party's obligation to systematically and continuously implement all the provisions of the Convention, and views the concerns and recommendations identified in the present concluding comments as requiring the State party's priority attention between now and the submission of the next periodic report. Consequently, the Committee urges the State party to focus on those areas in its implementation activities and to report on action taken and results achieved in its next periodic report. It calls on the State party to submit the present concluding comments to all relevant ministries and to Parliament so as to ensure their full implementation.**

416. While noting the measures taken by the State party to strengthen its legislative, policy and institutional frameworks to address the persistence of violence in the country, the Committee is concerned about the impact on the full implementation of the Convention of the general climate of violence and insecurity that prevails in Colombia. The Committee is concerned that the steps taken are not yet sufficient and that the prevailing situation puts women and girls at constant risk of becoming victims of all forms of violence.

417. **The Committee urges the State party to further intensify its efforts to reduce and eliminate the persistent climate of violence and insecurity in the country in order to create an environment that is conducive to the full implementation of the Convention and women's enjoyment of their human rights. It calls on the State party to take all necessary measures to prevent and**

eliminate violence against women by any person or organization, as well as violence committed by, or resulting from, actions or omissions by State agents, at all levels. It urges the State party to address the root causes of violence against women and to enhance victims' access to justice and to protection programmes. The Committee requests the State party to put in place effective monitoring mechanisms and to assess regularly the impact of all its strategies and measures taken on the full implementation of the provisions of the Convention.

418. While noting the State party's efforts to support internally displaced women and children, it is concerned that these population groups, especially female heads of household, continue to be disadvantaged and vulnerable in regard to access to health, education, social services, employment and other economic opportunities, as well as at risk of all forms of violence. The Committee is also concerned about the effects of conflict and displacement on family life.

419. **The Committee urges the State party to increase its efforts to meet the specific needs of internally displaced women and children and to ensure their equal access to health, education, social services and employment and other economic opportunities, as well as security and protection from all forms of violence, including domestic violence.**

420. The Committee is concerned that the Office of the Presidential Counsellor for Women's Equity may have insufficient capacity and resources for effectively coordinating the use of the gender mainstreaming strategy across all sectors of Government, in particular for effective coordination of the implementation of national policies and programmes at the departmental and municipal levels from a gender perspective.

421. **The Committee calls on the State party to monitor carefully the capacity of the national machinery for the advancement of women to fully implement its responsibilities for the promotion of gender equality and women's enjoyment of their human rights. It encourages the State party to strengthen the role of the Office in coordinating the use of the gender mainstreaming strategy across all sectors and levels of Government. The Committee recommends, in particular, that the State party enhance the capacity of the national machinery to coordinate the implementation at the departmental and municipal levels of a range of sectoral policies, programmes and plans with those aimed specifically at the promotion of gender equality.**

422. While noting that the State party's definition of the principle of equality of women and men is directly in line with that of the Convention, and has been upheld by the Constitutional Court of Colombia, the Committee is concerned that, when applying temporary special measures, the State party's goal often is to achieve equity for women rather than to accelerate the achievement of de facto equality of women with men. It also notes that the concept of equity, rather than equality, is often used in the design and implementation of policies and programmes for women.

423. **The Committee draws the State party's attention to article 2 (a) of the Convention, which calls for the practical realization of the principle of equality between men and women. The Committee also draws the State party's attention to article 1 of the Convention, providing a definition of discrimination against**

women, and its link to article 4, paragraph 1, of the Convention and the Committee's general recommendation 25 on temporary special measures, in which the Committee clarified that such temporary special measures are a necessary means for accelerating achievement of women's de facto equality with men. It recommends that the State party encourage dialogue between representatives of public entities, academia and civil society in order to ensure that when the State party pursues the goal of equity for women its efforts are placed within the overall framework of the Convention's principle of de facto (substantive) equality between women and men.

424. While noting steps taken to address domestic violence, the Committee is concerned that the transfer of competence from family courts to family commissioners, civil courts or municipal courts may in practice reduce women's access to justice. It is concerned about the use of conciliation in cases of domestic violence and the lack of effective monitoring of the impact of such procedures on women's access to justice and remedies. It is also concerned that statistical data on domestic violence against women remain insufficient.

425. **The Committee encourages the State party to study the impact and effectiveness of its mechanisms for addressing domestic violence against women. In particular, the Committee calls on the State party to study carefully the use of conciliation in cases of domestic violence against women, to track the long-term results of mediated cases and to evaluate the impact of conciliation on women's access to justice and protection of their rights. It calls on the State party to enhance, within a given time frame, its system for the regular collection of statistical data on domestic violence against women, disaggregated by sex and type of violence and by the relationship of the perpetrators and victims. It also encourages the State party to further enhance coordination among all institutions providing assistance and support in cases of domestic violence.**

426. While welcoming the State party's integrated approach to combating trafficking in persons, the Committee is concerned about the persistent scope of the problem. The Committee is concerned about the links between drug trafficking, where women are used as "mules", and other forms of trafficking in women and girls, including for sex tourism and the economic exploitation of women and girls in domestic work. It is concerned at the insufficient information provided about the incidence of internal trafficking. The Committee regrets that insufficient data and information was provided on the exploitation of prostitution and on the effectiveness of measures to address it.

427. **The Committee urges the State party to intensify its efforts to combat all forms of trafficking in women and girls. It calls on the State party to fully assess the scope of trafficking in women and girls, including internal trafficking, and systematically compile and analyse data and information with a view to identifying more effective methods to prevent this phenomenon. It also recommends that the State party enhance its nationwide awareness-raising campaigns on the risks and consequences of becoming involved in drug trafficking, targeting, in particular, women and girls at risk, including those living in rural areas, and to enhance alternative economic opportunities for them. It urges the State party to take measures for the recovery, support and social reintegration of women and girls who are victims of trafficking. It**

encourages the State party to intensify training of law enforcement, migration and border control officials and to enhance its regional and international cooperation, in particular with countries of destination, in order to effectively combat trafficking. It urges the State party to analyse and monitor the impact of measures taken and provide information about the results achieved in its next periodic report. The Committee also requests the State party to provide in its next report statistical data and analysis on the exploitation of prostitution and the effectiveness of measures taken to address it.

428. While noting the steps taken by the State party to enhance women's health, including sexual and reproductive health, such as the establishment of the Sexual and Reproductive Health Policy and decision C-355 of May 2006 of the Constitutional Court, which decriminalized abortion in cases where the pregnancy represents a risk to the life or health of the mother, in cases of serious malformation of the foetus or in cases of rape, the Committee expresses its concern about the high rate of maternal mortality, especially among poor, rural and indigenous and afrodescendent women. The Committee is particularly concerned at the high number of illegal and unsafe abortions and related maternal mortality. It is also concerned that, in practice, women may not have access to legal abortion services, or to guaranteed care for the management of complications arising from illegal and unsafe abortions.

429. **The Committee encourages the State party to continue its efforts to enhance women's access to health care, in particular to sexual and reproductive health services, in accordance with article 12 of the Convention and the Committee's general recommendation 24 on women and health. It requests the State party to strengthen measures aimed at the prevention of unwanted pregnancies, including by increasing knowledge and awareness about, as well as access to, a range of contraceptives, family planning services for women and girls, and to take measures to ensure that women do not seek unsafe medical procedures, such as illegal abortion, because of lack, or inaccessibility, of appropriate family planning and contraceptive services. The Committee recommends that the State party give priority attention to the situation of adolescents and rural, indigenous and afrodescendent women, and that it provide appropriate sex education with special attention to the prevention of pregnancies and sexually transmitted diseases, including as part of the regular education curriculum. It urges the State party to ensure that women seeking legal abortions have access to them, including by clarifying the responsibilities of public health service providers. The Committee recommends that the State party take steps to ensure that the regulatory framework and guidelines in place governing access to quality services for the provision of legal abortion services, and for the management of complications arising from illegal and unsafe abortions are applied in practice and that medical and health-care professionals receive adequate training and sensitization on their obligations, so as to reduce women's maternal mortality rates.**

430. While noting the efforts made to eliminate stereotypes in the educational system, including through the Gender and Diversity Education Programme, the Committee is concerned that the impact of such measures is not being adequately monitored. It is further concerned about the absence of studies or research and by the lack of analysis of the social impact and consequences of the persistence of gender-role stereotypes for the promotion of gender equality.

431. **The Committee recommends that the State party continue its efforts to address stereotypes that perpetuate direct and indirect discrimination against women. It encourages the State party to study and analyse systematically the impact of prevailing gender-role stereotypes for the promotion of gender equality. It encourages the State party to strengthen educational measures and to develop a more comprehensive and wide ranging strategy across all sectors to eliminate stereotypes, working with a broad range of stakeholders, including women's and other civil society organizations, the media and the private sector in order to achieve progress in this area. It calls on the State party to monitor the impact of measures taken and to provide the results achieved in its next periodic report.**

432. While recognizing the efforts made to increase the representation of women in public administration at the national and local levels, including through the Quota Act, the Committee is concerned about the underrepresentation of women, including indigenous and afrosdescendent women, in elected bodies at all levels, and in particular about the recent decline in women's representation in Parliament and in the Judiciary.

433. **The Committee calls upon the State party to expand its efforts towards achieving women's full and equal participation in all areas, and in particular in elected bodies and in the Judiciary. In this regard, the Committee encourages further use of temporary special measures to accelerate the advancement of women, in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendations 25 and 23. Particular efforts should be made to increase the number of indigenous and afrosdescendent women in political and public life and in decision-making positions in all fields. It encourages the State party to enhance efforts to provide leadership training programmes for women, including indigenous and afrodescendent women, in order to strengthen their roles in leadership and decision-making positions in society. It encourages the State party to monitor progress made and results achieved.**

434. The Committee is concerned about the increase in the number of women working in the informal sector, which offers fewer rights, benefits and opportunities for advancement. It notes with concern the lack of analysis of the impact of the *maquiladora* industry and of seasonal agricultural work on women's economic situation. It also notes with concern the lack of analysis of any possible adverse impact of free trade agreements on the economic well-being of Colombian women and the consequent lack of policies to counteract any potential adverse impact.

435. **The Committee encourages the State party to strengthen its efforts to enhance women's access to employment in the formal sector, including through increased opportunities for education and training. The Committee encourages the State party to analyse the impacts of *maquiladora* and seasonal agricultural work on women's economic situation. It also suggests that the State party study the impact of free trade agreements on the socio-economic conditions of women and consider adopting compensatory measures that take women's human rights into consideration.**

436. While noting measures taken to improve the situation of rural women and girls, the Committee is concerned about the persistent high levels of poverty among women living in rural areas and their persistent vulnerability to armed conflict.

Rural women's disadvantaged situation is reflected in their high illiteracy rates, low school enrolment and completion rates and poor access to health care, including sexual and reproductive health. The Committee is concerned that the scope of current policies and programmes for rural areas remains limited, that the strategy for rural development is not comprehensive in nature and that it does not adequately address the structural nature of the problems rural women continue to face.

437. **The Committee urges the State party to ensure that all rural development policies and programmes integrate a gender perspective and explicitly address the structural nature and various dimensions of poverty faced by women. It recommends that the State party strengthen its efforts to implement comprehensive nationwide health and educational programmes, including programmes in the areas of functional literacy, enterprise development, skills training and microfinance, as a means of poverty alleviation. It also encourages the State party to ensure that the situation of rural women is taken into account in efforts to eliminate women's vulnerability to violence, including as a result of armed conflict.**

438. **The Committee encourages the State party accept, as soon as possible, the amendment to article 20, paragraph 1, of the Convention concerning the meeting time of the Committee.**

439. **The Committee urges the State party to utilize fully in its implementation of its obligations under the Convention, the Beijing Declaration and the Platform for Action, which reinforce the provisions of the Convention, and requests the State Party to include information thereon in its next periodic report.**

440. **The Committee also emphasizes that a full and effective implementation of the Convention is indispensable for achieving the Millennium Development Goals. It calls for the integration of a gender perspective and explicit reflection of the provisions of the Convention in all efforts aimed at the achievement of the Goals and requests the State party to include information thereon in its next periodic report.**

441. **The Committee commends the State party for having ratified the seven major international human rights instruments.[1] The Committee notes that the State party's adherence to the seven major international human rights instruments enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life.**

442. **The Committee requests the wide dissemination in Colombia of the present concluding comments in order to make the people, including government officials, politicians, parliamentarians and women's and human rights organizations, aware of the steps that have been taken to ensure de jure and de facto equality of women, as well as the further steps that are required in that regard. The Committee requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Convention, its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and the Platform for Action and the outcome of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".**

443. **The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report under article 18 of the Convention. The Committee invites the State party to submit its seventh periodic report, due in February 2007, and its eighth periodic report, due in February 2011, in a combined report in 2011.**

Viet Nam

444. The Committee considered the combined fifth and sixth periodic report of Viet Nam (CEDAW/C/VNM/5-6) at its 759th and 760th meetings, on 17 January 2007 (see CEDAW/C/SR.759 and 760). The Committee's list of issues and questions is contained in CEDAW/C/VNM/Q/6, and the responses of Viet Nam are contained in CEDAW/C/VNM/Q/6/Add.1.

Introduction

445. The Committee expresses its appreciation to the State party for the combined fifth and sixth periodic report, which followed the Committee's guidelines and has taken into account the Committee's previous concluding comments. It also expresses its appreciation to the State party for the written replies to the list of issues and questions raised by the pre-session working group and for the oral presentation and further clarification in response to the questions posed orally by the Committee.

446. The Committee commends the State party for its high-level delegation headed by the Chairperson of the National Committee for the Advancement of Women in Viet Nam and which included women and men representing different ministries. The Committee expresses its appreciation for the constructive dialogue held between the delegation and the members of the Committee.

Positive aspects

447. The Committee commends the State party for the adoption of a number of new laws that aim at eliminating discrimination against women and promoting gender equality in compliance with the State party's obligation under the Convention. In particular, the Committee welcomes the adoption of the Law on Gender Equality of November 2006, which will enter into force on 1 July 2007, the 2003 amendment to the Land Law and the Law on Marriage and Family.

448. The Committee also welcomes the recent adoption of the Law on Signing, Joining and Implementing International Conventions, which entered into force in January 2006, according to which all reports related to international treaties are to be submitted to the National Assembly for adoption prior to their submission to the relevant treaty bodies.

449. The Committee also commends the State party for the adoption of its National Strategy for the Advancement of Women for 2001-2010, which has been drawn up in accordance with the Beijing Platform for Action.

Principal areas of concern and recommendations

450. **While recalling the obligation of the State party to systematically and continuously implement all the provisions of the Convention, the Committee views the concerns and recommendations identified in the present concluding**

comments as requiring the State party's priority attention between now and the submission of the next periodic report. Consequently, the Committee calls upon the State party to focus on those areas in its implementation activities and to report on action taken and results achieved in its next periodic report. It also calls upon the State party to submit the present concluding comments to all relevant ministries and to Parliament so as to ensure their full implementation.

451. While welcoming the adoption of the new Law on Gender Equality as an improvement of the legal regime and the implementation of the Convention as well as other legal and policy measures that have been put in place in different areas in recent years to eliminate discrimination against women and girls and to promote gender equality, the Committee regrets that the State party did not provide sufficient information or data on the actual impact of these laws and measures and the extent to which they have resulted in accelerating the advancement of women and girls and their enjoyment of their human rights in all areas covered by the Convention.

452. **The Committee recommends that the State party focus on the implementation of existing laws and policies by: setting clearly defined and time-bound targets; systematically collecting and analysing data; monitoring impact, trends over time and progress towards realizing goals and objectives, and results achieved; and allocating sufficient human and financial resources for the effective enforcement of existing laws. With regard to the Convention and the new Law on Gender Equality, the Committee encourages the State party to: ensure their wide dissemination within the country, including their translation into minority languages, in particular among policymakers across all sectors, mass organizations, civil society and the media; take measures towards the speedy harmonization of existing legislation with the objectives of the Convention and the Law on Gender Equality, particularly in the areas of employment, social security, education, the representation of women in political and decision-making bodies and within the public administration and health-care services; and report in its next periodic report on the progress made. With regard to the Land Law, the Committee calls upon the State party to take the necessary steps to remove any administrative obstacles that may prevent the issuance of joint land use certificates to husbands and wives, particularly in rural areas.**

453. The Committee is concerned about the State party's apparent lack of clarity about the difference between temporary special measures that are aimed at accelerating de facto or substantive equality of women, as called for under article 4, paragraph 1, of the Convention, and general social policies that are adopted to implement the Convention.

454. **The Committee recommends that the State party take concrete measures, including temporary special measures in accordance with article 4, paragraph 1, of the Convention and general recommendation 25, in all sectors, with a view to accelerating the practical realization of the goal of women's de facto or substantive equality with men in all areas of the Convention.**

455. The Committee reiterates its concern about the persistence of patriarchal attitudes and deep-rooted stereotypes, including the preference for male offspring, regarding the roles and responsibilities of women and men within the family and society at large. These stereotypes present a significant obstacle to the implementation of the Convention, are a root cause of violence against women and

put women in a disadvantaged position in a number of areas, including in the labour market and in political and public life.

456. **The Committee recommends that the State party take measures to bring about changes in traditional patriarchal attitudes and in gender-role stereotyping. Such measures should include awareness-raising and public educational campaigns addressing women and girls as well as men and boys, with a view to eliminating stereotypes associated with traditional gender roles in the family and in society, in accordance with articles 2 (f) and 5 (a) of the Convention. Special attention should be given to the role of the media in perpetuating such stereotypes, as well as their role in contributing to a social and cultural change towards an environment that is supportive of gender equality. The Committee recommends, in particular, that the Convention be translated into those ethnic minority languages with their own alphabets and that radio programmes in the languages of ethnic minorities, among other forms of media, be used in regularly disseminating information on the Convention and on gender equality.**

457. The Committee acknowledges the improvement of the representation of women in Parliament, which is among the highest in Asia, and takes note of the 2001 Law on the Election of National Assembly Deputies and the 2003 Law on the Election of Members of the People's Council, which established a quota system for female deputies, as well as the targets set by the State party for women's representation in public bodies at different levels. The Committee remains concerned about the underrepresentation of women in appointed public decision-making bodies, particularly at the district and commune/ward levels.

458. **The Committee calls upon the State party to regularly review its targets for women's participation in public life and decision-making. It encourages the State party to develop concrete measures, with specific timelines, including the use of temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25, to accelerate women's full and equal participation in political life at all levels, in specially appointed and elected positions, including leadership positions in mass organizations and at commune/ward level. The Committee recommends that the State party implement training programmes and awareness-raising campaigns, with a special focus on mass organizations, on the right of women to full and equal participation at all levels of decision-making. It also calls on the State party to monitor the impact of measures taken, track trends over time, take necessary corrective measures and provide detailed information about results achieved in its next report.**

459. Although the Committee welcomes the drafting of a new bill on domestic violence, it continues to be concerned about the lack of information and data on all forms of violence against women and girls, the insufficient information on measures taken to prevent and combat violence against women, including services provided to victims, and the prosecution and punishment of perpetrators of all forms of violence.

460. **In accordance with its general recommendation 19, the Committee reiterates its recommendation that the State party give high priority to putting in place comprehensive measures to address all forms of violence against women and girls, including through the speedy adoption of the law on domestic violence. Such measures should ensure that women and girls who are victims of**

violence have access to immediate means of redress and protection and that perpetrators are prosecuted and punished. The Committee urges the State party to conduct research on the prevalence, causes and consequences of all forms of violence against women, including domestic violence, to serve as the basis for comprehensive and targeted intervention. The Committee repeats its recommendation that the State party continue and increase the implementation of educational and awareness-raising measures aimed at law enforcement officials, the judiciary, health-care providers, social workers, community leaders and the general public, in order to ensure that they understand that all forms of violence against women and girls are unacceptable. It also recommends the establishment of a sufficient number of crisis centres, including shelters for victims of violence, in both urban and rural areas.

461. The Committee welcomes a number of measures, including the Ordinance on the Prevention and Suppression of Prostitution, bilateral and multilateral agreements and the Action Plan for the Prevention and Suppression of Trafficking in Women and Girls, but is concerned about the persistence of trafficking in women and girls and the exploitation of prostitution, both within the country and to other countries. The Committee is also concerned about the low rates of prosecution and conviction of traffickers and of others who exploit the prostitution of women. The Committee also notes with concern reports that trafficked women and girls face problems in enjoying their citizenship rights when returning to Viet Nam, as well as in conveying citizenship to their children born abroad. It is also concerned about reports that rehabilitation measures, such as administrative camps, may stigmatize girls and young women victims of prostitution and deny them due process rights. In addition, the Committee is concerned about the lack of systematic data collection on the phenomenon of trafficking and exploitation of prostitution.

462. **The Committee urges the State party to consider ratifying the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementary to the United Nations Convention against Transnational Organized Crime, and to intensify its efforts to combat all forms of trafficking in women and girls, including by enacting specific and comprehensive legislation on the phenomenon. The Committee further calls upon the State party to increase its efforts at international, regional and bilateral cooperation to address more effectively the causes of trafficking, and to improve its efforts to prevent trafficking through information exchange. The Committee urges the State party to collect and analyse data from the police and international sources, prosecute and punish traffickers and ensure the protection of the human rights of trafficked women and girls. It urges the State party to pursue a holistic approach aimed at addressing the root causes of trafficking and improving prevention. Such efforts should include measures to improve the economic situation of women and girls and to provide them with educational and economic opportunities, thereby reducing and eliminating their vulnerability to exploitation and traffickers. It should also facilitate the reintegration into society of women and girls who are victims of exploitation and trafficking, including children born to Vietnamese women abroad, by ensuring that they are neither criminalized nor penalized and fully enjoy their human rights. It should also enhance rehabilitation, social integration and economic empowerment programmes.**

463. While noting progress towards reaching high levels of literacy in the country, the Committee notes with concern that a high proportion of girls still drop out of school and that girls in rural and remote areas do not have full access to education.

464. **The Committee urges the State party to take all appropriate measures to eliminate the disparity in school enrolment rates and to achieve universal primary education for girls in accordance with article 10 of the Convention, the strategic objectives and actions of the Beijing Declaration and Platform for Action and Millennium Development Goals 2 and It urges the State party to address effectively the obstacles that prevent girls from continuing their education, such as family responsibilities and the cost of education. It also recommends that teacher training programmes at all levels integrate the principles of gender equality and non-discrimination on the grounds of sex. The Committee also calls on the State party to support education programmes on the culture of ethnic minority groups.**

465. The Committee expresses concern that insufficient information was provided about women's de facto situation in the formal and informal labour markets. It is also concerned at the concentration of women in the informal economy, which negatively affects their eligibility for social security and other benefits, including health care. The Committee continues to be concerned about the occupational segregation between women and men in the labour market and the persistent high gap in wages between women and men.

466. **The Committee urges the State party to adopt effective measures in the formal labour market to eliminate occupational segregation, both horizontal and vertical, and to narrow and close the wage gap between women and men. It also encourages the State party to ensure the enforcement of regulations of the Labour Code for the benefit of women working in export processing zones, with a particular focus on women's access to social security and health-care services. Efforts to develop guidelines and regulations to provide women in the informal economy with access to such benefits and services should also be enhanced. The Committee requests the State party to assess the impact of economic restructuring processes on women, including women belonging to ethnic minorities and living in rural and remote areas. It requests the State party to ensure that all poverty reduction programmes and strategies are gender-sensitive and also to provide targeted support to disadvantaged groups of women. The Committee invites the State party to monitor the impact of measures taken and trends over time and to report to the Committee on results achieved in its next report.**

467. The Committee expresses its concern about women's limited access to sexual and reproductive health-care services, and about the very high rate of abortions, in particular among adolescent and young women. The Committee is also concerned about the increase in HIV/AIDS infections among women.

468. **The Committee urges the State party to take concrete measures to enhance women's access to health care, in particular to sexual and reproductive health services, in accordance with article 12 of the Convention and the Committee's general recommendation 24 on women and health. It requests the State party to strengthen measures aimed at the prevention of unwanted pregnancies, including through improved availability, acceptability and use of modern means of birth control, in order to eliminate the use of abortion as a**

method of family planning. The Committee recommends that the State party give priority attention to the sexual and reproductive health needs of adolescent and young women and men and that it provide age-appropriate sex education, including in school curricula, with special attention to the prevention of early pregnancies and sexually transmitted diseases and HIV/AIDS. The Committee also calls on the State party to ensure the effective implementation of its national strategy on the prevention and control of HIV/AIDS, including improved access to antiretroviral drugs, protection and care for babies born with HIV and training for medical personnel.

469. The Committee is concerned about the differential minimum legal age for marriage for women and men as well as about reports on underage marriages of girls, which limit their development and opportunities to fully develop their skills and capacities, especially in some ethnic minority areas.

470. **The Committee urges the State party to set the same minimum age of marriage for women and men at 18 years, in line with article 1 of the Convention on the Rights of the Child and article 16 of the Convention and the Committee's general recommendation 21 on equality in marriage and family relations. It also calls on the State party to take measures to prevent and stop underage marriages.**

471. The Committee expresses its concern about the situation of women in rural and remote areas, as well as the situation of ethnic minority women, who lack sufficient access to adequate health services, education opportunities, employment and credit facilities.

472. **The Committee calls upon the State party to pay special attention to the needs of women living in rural and remote areas and women belonging to ethnic minorities by ensuring that they have equal access to health care, education, social security, income-generation opportunities and participation in decision-making processes at all levels. It also encourages the State party to use innovative methods to improve information on and awareness of the provisions of the Convention and of relevant laws, including the Law on Gender Equality, among women and girls in rural and remote areas and women belonging to ethnic minorities. The Committee requests the State party to ensure that the draft law on ethnic minorities integrates the objectives of the Law on Gender Equality and that the draft law on ethnic minorities be passed as soon as possible. The Committee requests that comprehensive information be included in the next periodic report, including sex-disaggregated data and trends over time, on the de facto holistic position of rural and ethnic minority women and on the impact of measures taken and results achieved in the implementation of policies and programmes for these groups of women and girls.**

473. **The Committee encourages the State party to ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women and to accept, as soon as possible, the amendment to article 20, paragraph 1, of the Convention concerning the meeting time of the Committee.**

474. **The Committee urges the State party to utilize fully, in its implementation of its obligations under the Convention, the Beijing Declaration and Platform for Action, which reinforce the provisions of the Convention, and requests the State party to include information thereon in its next periodic report.**

475. The Committee also emphasizes that a full and effective implementation of the Convention is indispensable for achieving the Millennium Development Goals. It calls for the integration of a gender perspective and explicit reflection of the provisions of the Convention in all efforts aimed at the achievement of the Millennium Development Goals and requests the State party to include information thereon in its next periodic report.

476. The Committee notes that the adherence of States to the seven major international human rights instruments[1] enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. Therefore, the Committee encourages the Government of Viet Nam to consider ratifying the treaties to which it is not yet a party, namely, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

477. The Committee requests the wide dissemination in Viet Nam of the present concluding comments in order to make the people, including government officials, politicians, parliamentarians and women's and human rights organizations, aware of the steps that have been taken to ensure de jure and de facto equality of women, as well as the further steps that are required in that regard. The Committee requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Convention, its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".

478. The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report under article 18 of the Convention. The Committee invites the State party to submit its seventh periodic report, which is due in March 2007, and its eighth periodic report, due in March 2011, in a combined report in March 2011.

8. Sixth periodic report

Austria

479. The Committee considered the sixth periodic report of Austria (CEDAW/C/AUT/6) at its 765th and 766th meetings, on 23 January 2007 (see CEDAW/C/SR.765 and 766). The Committee's list of issues and questions is contained in CEDAW/C/AUT/Q/6, and Austria's responses are contained in CEDAW/C/AUT/Q/6/Add.1.

Introduction

480. The Committee expresses its appreciation to the State party for its sixth periodic report, which follows the Committee's guidelines for the preparation of periodic reports and takes into account the Committee's previous concluding comments. The Committee commends the State party for its written replies to the list of issues and questions raised by the pre-session working group and for the oral presentation and further clarifications offered in response to the questions posed orally by the Committee.

481. The Committee expresses its appreciation to the State party for its delegation, headed by an ambassador from the Ministry for Foreign Affairs, which included experts from different ministries and departments of the Government, including the Federal Ministries for Foreign Affairs; Education, Science and Culture; Economic Affairs and Labour; Health and Women's Issues; Social Security, Generations and Consumer Protection; Agriculture, Forestry, the Environment and Water Management, Justice; and Interior and the Federal Chancellery. The Committee notes that Austria's new federal Government took office on 11 January 2007. The Committee appreciates the frank and constructive dialogue that took place between the delegation and the members of the Committee.

482. While welcoming the partial withdrawal of the reservation to article 11 of the Convention with regard to the night work of women, the Committee notes that the reservation to article 11 with regard to the special protection of working women remains in place and appeals to the Government to make further efforts to withdraw the remaining reservation to article 11.

483. The Committee commends the State party for, in September 2000, ratifying the Optional Protocol to the Convention and for accepting the amendment to article 20, paragraph 1, of the Convention concerning the meeting time of the Committee.

484. The Committee also commends the State party for objecting to reservations entered by other States parties that it considers incompatible with the objective and purpose of the Convention.

Positive aspects

485. The Committee commends the State party on a number of new laws and amendments aimed at reinforcing the equal treatment of women and men, including in the public service and universities, as well as amendments regarding criminal law, maternity protection, paternity leave and working time aimed at achieving compliance with the State party's obligations under the Convention.

486. The Committee welcomes the appointment of a Minister for Women's Affairs in the Federal Chancellery and the development of gender-mainstreaming structures and mechanisms at the federal level and within several ministries, including the Federal Ministries of Finance and of Education, Science and Culture, as well as in the health sector.

487. The Committee commends the State party for the adoption of a motion by the Council of Ministers in 2001 on the use of gender-sensitive language in all ministries and departments.

Principal areas of concern and recommendations

488. **While recalling the State party's obligation to systematically and continuously implement all the provisions of the Convention, the Committee views the concerns and recommendations identified in the present concluding comments as requiring the State party's priority attention between now and the time of submission of the next periodic report. Consequently, the Committee calls upon the State party to focus on those areas in its implementation activities and to report on action taken and results achieved in its next periodic report. It calls upon the State party to submit the present concluding comments**

to all relevant ministries and to Parliament so as to ensure their full implementation.

489. Noting the expanded scope of the Equal Treatment Act of 2004, which covers all forms of discrimination on various grounds, including sex, and reinforces provisions of equal treatment of women and men in the workplace, the Committee is concerned that the Act's approach of focusing on the world of work in regard to gender-based discrimination against women may lead to diminished visibility of and attention to eliminating discrimination against women in all other fields covered by the Convention. It is also concerned that the mandate of the Equal Treatment Commission in regard to discrimination against women focuses only on the field of employment, while going into other spheres of life for cases of discrimination on the basis of race or ethnic origin.

490. **The Committee urges the State party to ensure that the equal treatment of women and men is ensured in all spheres of life. It calls upon the State party to carefully monitor the implementation of the Equal Treatment Act of 2004 and take appropriate measures to ensure that the expanded scope of the Act and the broader mandate of the Equal Treatment Commission are effectively used to eliminate discrimination against women in all areas covered by the Convention.**

491. While welcoming the appointment of a Minister for Women's Affairs, the Committee is concerned about the repeated restructuring of the national machinery for the advancement of women in recent years, which could result in a lack of continuity in gender equality policies, especially in the absence of a national action plan on gender equality.

492. **The Committee encourages the State party to develop a national action plan on gender equality with the involvement of all sectors of Government and in consultation with relevant non-governmental organizations. It calls upon the State party to ensure that the national machinery for the advancement of women has the necessary visibility, decision-making power and human and financial resources to enable it to effectively fulfil its mandate in promoting gender equality, including in regard to the use of the gender-mainstreaming strategy in all Government ministries and agencies in all sectoral areas.**

493. The Committee is concerned about the lack of an effective mechanism to regularly monitor and evaluate progress in the implementation and impact of laws, policies and plans aimed at the promotion of gender equality and women's enjoyment of their human rights. It is also concerned about insufficient institutional links between the federal level and that of the Länder in the implementation of the Convention.

494. **The Committee recommends that the State party take the steps necessary to ensure the systematic monitoring and evaluation of all measures aimed at promoting gender equality. It also invites the federal Government to put in place an effective coordination mechanism with the Länder so as to ensure the full implementation of the Convention throughout the entire territory of the country.**

495. While welcoming the State party's efforts to address stereotypical attitudes and behaviours that discriminate against women and perpetuate inequality between women and men, the Committee remains concerned about the persistence of deep-rooted traditional attitudes and stereotypes regarding the roles and responsibilities of

women and men in the family and in society. The Committee expresses its particular concern about the persistent stereotyping of women primarily as mothers and caregivers and of men as breadwinners. Such stereotypes, which undermine women's social status and are reflected in women's disadvantaged position in a number of areas, including in the labour market and in access to decision-making positions, in their study and professional choices and in the marked division of family and domestic tasks, constitute a significant impediment to the practical realization of the principle of equality of women and men, as called for in article 2 (a) of the Convention.

496. **The Committee calls upon the State party to put in place a comprehensive approach to overcoming traditional stereotypes regarding the roles of women and men in society and in the family, in accordance with articles 2 (f) and 5 (a) of the Convention. Such an approach should include legal, policy and awareness-raising measures, involve public officials and civil society and target the entire population, in particular men and boys. It should also aim at the involvement of different media, including radio, television and print, and encompass both specialized and general programmes. The Committee calls upon the State party to further encourage diversification of the educational choices of boys and girls and to encourage enhanced sharing of family responsibilities.**

497. While acknowledging the initiatives taken by the State party to encourage women's participation in employment, the Committee is concerned that women remain disadvantaged in the labour market. It is particularly concerned about the persistent significant occupational segregation and considerable wage gap and the high concentration of women in part-time and low-paying jobs, with the related consequences for women's pension rights and social protection. The Committee notes with concern the impact of women's unequal situation in the labour market on their poverty levels.

498. **The Committee urges the State party to adopt policies and take proactive and concrete measures to eliminate occupational segregation, both horizontal and vertical, and to narrow and close the pay gap between women and men. It calls upon the State party to put priority on realizing de facto equal opportunities for women and men in the labour market and to monitor trends, including through the collection and analysis of data disaggregated by sex, skills and sectors in part-time versus full-time work, as well as the impact of measures taken and results achieved, and to take the necessary corrective steps. While noting the recent legislative changes, the Committee calls upon the State party to ensure that women have access to adequate pensions and full social benefits, also with a view to addressing women's poverty levels.**

499. While recognizing the steady increase in childcare facilities and of new legal and policy measures to encourage the sharing of family responsibilities, the Committee remains concerned about challenges women continue to face in reconciling family and professional life and responsibilities.

500. **The Committee recommends that further measures to facilitate the reconciliation of family and professional responsibilities be adopted and implemented, including the provision of additional childcare facilities for children of different age groups, and that greater involvement of men in**

domestic and family tasks be promoted with the aim of balanced participation of women and men in both the private and public spheres.

501. While acknowledging the considerable efforts made by the State party to address violence against women, including legislative measures and the establishment of the Prevention Council in the Ministry of the Interior, as well as the awareness-raising efforts undertaken and the existence of some support services, the Committee remains concerned about the persistence of violence against women, including domestic violence, the absence of a comprehensive strategy to combat all forms of violence against women and the lack of an effective institutional mechanism to coordinate, monitor and assess actions at the governmental level to prevent and address this scourge. The Committee also notes with concern the limited support, including financial support, for non-governmental organizations providing support services to victims and the insufficient statistical data on violence against women.

502. **The Committee calls upon the State party to intensify its efforts to prevent and address all forms of violence against women, including domestic violence, in accordance with the Committee's general recommendation 1 It also calls upon the State party to put in place expeditiously a comprehensive strategy or action plan and a campaign to prevent and eliminate all forms of violence against women and an effective institutional mechanism to coordinate, monitor and assess the effectiveness of measures taken. The Committee calls upon the State party to intensify its awareness-raising efforts with regard to violence against women, in particular domestic violence, and the unacceptability of all such violence. The Committee urges the State party to ensure that a sufficient number of safe crisis and intervention centres and shelters are available to women victims of violence, staffed by expert personnel and provided with adequate financial resources for their effective functioning. The Committee recommends that the State party enhance its cooperation with and support for non-governmental organizations working in the area of violence against women. The Committee also requests the State party to ensure that the systematic collection of data, disaggregated by type of violence and by the relationship of the perpetrator to the victim, is undertaken and made publicly available and that such data form the basis for monitoring the implementation of current and future policy and support measures.**

503. While welcoming relevant legal reforms, such as those pertaining to victims' rights in criminal proceedings, the creation of an inter-ministerial task force on human trafficking and the preparation of a national action plan against human trafficking, which is expected to be adopted shortly, the Committee remains concerned about the persistence of trafficking of women and girls in Austria.

504. **The Committee invites the State party to ensure that the newly drafted national action plan against human trafficking contains a comprehensive strategy to combat trafficking in women and girls and includes prevention measures, measures to ensure the effective prosecution and punishment of offenders and victim support and recovery measures, including legal and psychosocial support, as well as the creation of livelihood options when necessary. It also calls upon the State party to enhance training and capacity-building efforts for law enforcement and border patrol officials so as to increase their ability to recognize potential victims of trafficking and provide**

assistance. The Committee also recommends that the State party further strengthen bilateral, regional and international cooperation with countries of origin, transit and destination so as to further curb this phenomenon. The Committee requests the State party to provide, in its next periodic report, comprehensive information and data on trafficking in women and girls and on the impact of measures taken and results achieved through the implementation of the newly drafted national action plan against human trafficking.

505. While welcoming the progress made in women's participation and representation in some areas, particularly in the judiciary, the Committee is concerned that women remain underrepresented in some elected and appointed bodies, especially in senior positions within the administration and universities, as well as in decision-making posts in economic life.

506. **The Committee recommends that the State party take measures, in particular temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25, so as to accelerate the achievement of women's full and equal participation in all elected and appointed bodies, especially at the decision-making level. It encourages the State party to work towards strengthening women's position in leadership roles in academia and in decision-making posts in economic life. It requests the State party to monitor the impact of measures taken and results achieved over time and to provide in its next report statistical data on women's representation in all branches and at all levels of Government, including at the municipal level.**

507. While welcoming the positive changes in immigration law, including the amendment to the Aliens' Act of 2002 and the amendment to the Asylum Act of 2004, as well as the establishment of a service unit for migrant women at the federal level, and the intention expressed to adopt an action plan for migrants, the Committee expresses concern that some groups of women and girls, including migrants, asylum-seekers and refugees, may be subject to multiple forms of discrimination with respect to education, health, employment and social and political participation. It is also concerned that some women belonging to those groups may be particularly vulnerable to poverty and violence, including domestic violence, and encounter difficulties in obtaining residency permits, accessing social services and obtaining employment in jobs that are commensurate with their level of education, experience and qualifications.

508. **The Committee calls upon the State party to keep under review and carefully monitor the impact of its laws and policies on women migrants, refugees and asylum-seekers with a view to taking remedial measures that effectively respond to the needs of those women, including the clear adoption of a gender perspective in the action plan for migrants. It calls upon the State party to pay specific attention to the vulnerability of women asylum-seekers while their claims are under examination. The Committee further recommends the adoption of measures for the integration of women of all minority groups in vulnerable circumstances into society and the labour market in order to advance de facto equality for all women.**

509. **The Committee urges the State party, in implementing its obligations under the Convention, to utilize fully the Beijing Declaration and Platform for Action, which reinforce the provisions of the Convention, and requests the State**

party to include information thereon in its next periodic report. The Committee emphasizes that the full and effective implementation of the Convention is indispensable for achieving the Millennium Development Goals. It calls for the integration of a gender perspective and explicit reflection of the provisions of the Convention in all efforts aimed at the achievement of the Millennium Development Goals and requests the State party to include information thereon in its next periodic report.

510. **The Committee notes that States' adherence to the seven major international human rights instruments[1] enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. Therefore, the Committee encourages the Government of Austria to consider ratifying the treaty to which it is not yet a party, namely, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.**

511. **The Committee requests the wide dissemination in Austria of the present concluding comments in order to make the people, including Government officials, politicians, parliamentarians and women's and human rights organizations, aware of the steps that have been taken to ensure the de jure and de facto equality of women, as well as the further steps that are required in that regard. The Committee requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Convention, its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".**

512. **The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report submitted under article 18 of the Convention. The Committee invites the State party to submit its seventh periodic report, due in April 2007, and its eighth periodic report, due in April 2011, in a combined report in 2011.**

Greece

513. The Committee considered the sixth periodic report of Greece (CEDAW/C/GRC/6) at its 767th and 768th meetings, on 24 January 2007 (see CEDAW/C/SR.767 and 768). The Committee's list of issues and questions is contained in CEDAW/C/GRC/Q/6, and Greece's responses are contained in CEDAW/C/GRC/Q/6/Add.1.

Introduction

514. The Committee expresses its appreciation to the State party for the sixth periodic report, which followed the Committee's guidelines. It also expresses its appreciation to the State party for the written replies to the list of issues and questions raised by the pre-session working group and for the oral presentation and further clarification in response to the questions posed orally by the Committee.

515. The Committee commends the State party for its delegation headed by the Secretary-General for Gender Equality, and which included women and men representing different ministries and Government offices. The Committee expresses

its appreciation for the frank, constructive dialogue held between the delegation and the members of the Committee.

516. The Committee notes with appreciation that the report was prepared in a participatory process involving government bodies, non-governmental and women's organizations and independent experts.

517. The Committee commends the State party for its ratification, in January 2002, of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.

518. The Committee notes with appreciation that the State party is considering acceptance of amendment to article 20, paragraph 1, of the Convention concerning the meeting time of the Committee.

519. The Committee also commends the State party for objecting to reservations entered by other States parties that it considers incompatible with the object and purpose of the Convention.

Positive aspects

520. The Committee commends the State party on its recent legal reforms aimed at eliminating discrimination against women and promoting gender equality. In particular, it welcomes: the introduction, in 2001, of article 116, paragraph 2, of the Constitution, which establishes the State party's responsibility for taking special measures to ensure the elimination of discrimination against women; and the adoption, in 2002, of Law 3064/2002 on the Suppression of Trafficking in Human Beings; in 2003, of Presidential Decree 233/2003 regarding the provision of assistance to victims of trafficking; in 2004, of Law 3274/2004 related to issuing a temporary residence permit to victims of trafficking; in 2006, of the Law on Combating Domestic Violence; and, in 2006, the Law on Equal Treatment between Men and Women in the Field of Employment, Labour and Occupation.

521. The Committee commends the State party for its political will expressed during the constructive dialogue to implement fully the provisions of the Convention.

522. The Committee expresses its appreciation to the State party for the signing of a memorandum of cooperation between the General Secretariat for Gender Equality and the Office of the United Nations High Commissioner for Refugees (UNHCR) in order to promote and protect the rights of refugee women and girls, and for having elaborated an action plan to implement the memorandum.

523. The Committee congratulates the State party for the legal measures taken to increase women's employment, in particular the introduction of Law 3250/2004, which redefined the categories of people eligible for recruitment, through, inter alia, the enlargement of the category of mothers with underage children at a 10 per cent quota, and which provided that a quota of up to 60 per cent of the various categories of the unemployed who benefit from such employment positions be reserved for women.

Principal areas of concern and recommendations

524. **While recalling the State party's obligation to systematically and continuously implement all the provisions of the Convention, the Committee views the concerns and recommendations identified in the present concluding comments as requiring the State party's priority attention between now and the submission of the next periodic report. Consequently, the Committee calls upon the State party to focus on those areas in its implementation activities and to report on action taken and results achieved in its next periodic report. It calls on the State party to submit the present concluding comments to all relevant ministries and to Parliament in order to ensure their full implementation.**

525. The Committee notes with concern the persistence of patriarchal attitudes and deep-rooted stereotypes regarding the roles and responsibilities of women and men in the family and society. These stereotypes present a significant impediment to the implementation of the Convention and are a root cause of violence against women, as well as of the disadvantaged position of women in a number of areas, including in all sectors of the labour market and in political and public life.

526. **The Committee recommends that the State party take measures to bring about changes in traditional patriarchal attitudes and in gender-role stereotyping. Such measures should include awareness-raising and public educational campaigns addressed at women and girls, as well as, in particular, men and boys, with a view to eliminating stereotypes associated with traditional gender roles in the family and in society, in accordance with articles 2 (f) and 5 (a) of the Convention. It also recommends that the State party further clarify the causes of persistent inequality between women and men, including through studies on the institutional rules that reinforce gender-role stereotyping, the specific manifestations of stereotypical ideology in the State party, the costs of placing the burden of homemaking solely on women and the monetary value of women's unpaid labour, and use the insights gained as basis for taking enhanced measures to address these stereotypes.**

527. While noting that national legislation provides for sanctions for acts of discrimination based on sex and remedies for violations of the rights to non-discrimination and equality, the Committee is concerned that women may not be aware of, or do not have easy access to, the remedies available to them in case of violation of their rights.

528. **The Committee requests that the State party remove impediments women may face in gaining access to justice. The Committee urges the State party to provide legal aid services and sensitization about how to utilize available legal recourses against discrimination, as well as to monitor the results of such efforts.**

529. While noting the measures taken by the State party to enhance the integration of minority women into Greek society, such as the Integrated Action Plan for the Social Integration of Roma Women, the Committee remains concerned that women from ethnic minority groups, in particular Roma and Muslim women, continue to face multiple forms of discrimination with respect to access to education, employment and health care. The Committee regrets the lack of information and data in the report about those groups of women.

530. **The Committee calls on the State party to implement effective measures to eliminate discrimination against ethnic minority women, in particular Roma and Muslim women, and to enhance their enjoyment of human rights. The Committee requests the State party to provide, in its next report, information on the situation of women from ethnic minority groups, including with regard to access to education, employment and health care, and on the impact of measures taken to enhance such access and results achieved, as well as trends over time.**

531. While welcoming the adoption of the Law on Combating Domestic Violence in 2006, in particular the inclusion of marital rape as a criminal offence and the prohibition of physical violence against minors, the Committee is concerned that the availability of the mediation procedure in criminal cases for certain types of domestic violence at the instance of the prosecutor may lead to the re-victimization of women who have suffered violence.

532. **The Committee recommends that the State party carry out studies and monitor closely the Law on Combating Domestic Violence, particularly its mediation procedure, in order to ensure that the legislation is implemented in a way that respects and promotes women's human rights and does not lead to perpetrators escaping punishment. The Committee calls on the State party to put in place training measures for judges who conduct mediation in criminal proceedings for domestic violence cases so as to enhance their capacity to deal with violence against women in a gender-sensitive manner.**

533. While welcoming the various measures implemented to combat trafficking, including the revision of legislation and the adoption of an integrated National Plan of Action against Trafficking in Human Beings, the Committee remains concerned about the persistence of trafficking in women and girls and about the insufficient enforcement of legislation on trafficking.

534. **The Committee requests the State party to effectively implement the integrated National Plan of Action against Trafficking in Human Beings. It also calls upon the State party to ensure that legislation on trafficking is fully enforced, in particular by effectively prosecuting and punishing offenders. It also recommends that the State party increase its efforts to prevent human trafficking and provide assistance and support to women victims.**

535. While applauding the establishment of an obligatory one-third quota for each sex in the electoral lists of local elections and for the collective bodies of all Government agencies, the Committee is concerned about the underrepresentation of women at all levels of political and public life and in decision-making, particularly in Parliament, and in the foreign service. The Committee is further concerned about the limited participation of women in trade unions and employers' associations.

536. **The Committee calls upon the State party to effectively enforce the existing quota law in order to increase women's participation in local elected bodies and in the collective bodies of all Government agencies. It recommends that the State party implement temporary special measures in accordance with article 4, paragraph 1, of the Convention and its general recommendation 25 as a means to accelerate compliance with the provisions of articles 7 and 8 of the Convention and to increase women's political participation in all areas, including in Parliament and the foreign service. It also recommends the**

implementation of awareness-raising activities about the importance of women's participation in decision-making for society as a whole. The Committee further suggests that, in compliance with articles 2 (e) and 7 (c) of the Convention, the State party take appropriate measures to ensure women's equal participation in trade unions and employers' associations. It encourages the State party to monitor the impact of measures taken and of trends over time.

537. The Committee is concerned that, due to inadequate access to family planning and contraceptive methods, abortion is often used by women and adolescent girls as a method of birth control. It regrets the lack of data about the incidence of abortion disaggregated by age and ethnic group of the persons undergoing it. The Committee is also concerned about the high number of caesarean sections performed.

538. **The Committee recommends that the State party implement programmes and policies aimed at providing effective access for women, including minority women and adolescent girls, to health-care information and contraceptives, and to family planning services, thus avoiding the need for women to resort to abortion as a method of birth control. The Committee urges the State party to implement programmes of sexual and reproductive health education for men, women and adolescents in order to foster responsible sexual behaviour. The Committee further calls on the State party to implement initiatives, in close consultation with the medical profession, aimed at reducing the number of caesarean sections performed.**

539. The Committee expresses concern about the low representation of women, including women from minority groups, in tertiary education.

540. **The Committee urges the State party to implement measures to raise awareness of the importance of education as a human right and as a basis for empowerment of women. It recommends that the State party adopt temporary special measures in accordance with article 4, paragraph 1, of the Convention and general recommendation 25, on temporary special measures, in order to increase the representation of women, including minority women, in tertiary education. It requests the State party to report on the measures taken and their impact in its next periodic report.**

541. The Committee expresses concern about the situation of women in the labour market, which is characterized by high female unemployment, the concentration of women in low-paid sectors of employment and the wage gap between women and men. The Committee is also concerned that no statistical data was provided on the number of men who take parental leave in both the public and private sectors.

542. **The Committee urges the State party to ensure equal opportunities for women and men in the labour market through, inter alia, temporary special measures in accordance with article 4, paragraph 1, of the Convention and general recommendation 25, on temporary special measures. The Committee recommends that efforts be strengthened to lower female unemployment, eliminate occupational segregation, both horizontal and vertical, and to narrow and close the wage gap between women and men. The Committee recommends that the State party conduct regular reviews of its legislation in accordance with article 11, paragraph 3, of the Convention, with a view to reducing the number of barriers women face in the labour market. The Committee also urges the State party to monitor the use of the parental leave provisions by**

women and men as an indicator of shared family responsibilities and to develop incentives to encourage more men to avail themselves of parental leave. It calls upon the State party to monitor the impact of measures taken and results achieved and to report thereon in its next periodic report.

543. The Committee expresses concern about the lack of information on the situation of immigrant women who are unable to obtain birth certificates for their children.

544. **The Committee calls upon the State party to take measures in order to ensure that children of immigrant women are provided with birth certificates.**

545. The Committee expresses concern about the non-application of the general law of Greece to the Muslim minority on matters of marriage and inheritance, as Muslim communities can choose to be governed by Sharia law. The Committee is concerned that this situation leads to discrimination against Muslim women, in contravention of the Greek Constitution and article 16 of the Convention. The Committee notes with concern the continuing phenomenon of early marriage and polygamy in the Muslim community notwithstanding the fact that they are in conflict with the Greek constitutional order and the Convention.

546. **The Committee urges the State party to increase efforts to raise the awareness of Muslim women of their rights and of remedies against violations, and to ensure that they benefit from the provisions of Greek law on marriage and inheritance. The Committee call upon the State party to enforce its laws prohibiting early marriages and polygamy and to take comprehensive measures aimed at eliminating these practices, in line with the Greek constitutional order, article 16 of the Convention and the Committee's general recommendation 21 on equality in marriage and family relations.**

547. While welcoming the work of the Research Centre for Gender Equality aimed at supporting Government policy on the promotion of gender equality and the advancement of women, the Committee notes with concern that the results of the studies carried out by the research centre, especially on minority women, have not been included in the State party's report.

548. **The Committee requests the State party to include, in its next report, the results of the studies carried out by the Research Centre for Gender Equality, in particular with regard to minority women. It also encourages the State party to use the results and findings of such research as basis to further enhance its legislative and policy framework aimed at the practical realization of the principle of equality between women and men.**

549. **The Committee encourages the State party to accept, as soon as possible, the amendment to article 20, paragraph 1, of the Convention concerning the meeting time of the Committee.**

550. **The Committee urges the State party to utilize fully in its implementation of its obligations under the Convention, the Beijing Declaration and the Platform for Action, which reinforce the provisions of the Convention, and requests the State Party to include information thereon in its next periodic report.**

551. **The Committee also emphasizes that a full and effective implementation of the Convention is indispensable for achieving the Millennium Development**

Goals. It calls for the integration of a gender perspective and explicit reflection of the provisions of the Convention in all efforts aimed at the achievement of the Millennium Development Goals and requests the State party to include information thereon in its next periodic report.

552. **The Committee notes that States' adherence to the seven major international human rights instruments[1] enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. The Committee therefore encourages the Government of Greece to consider ratifying the treaty to which it is not yet a party, namely, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.**

553. **The Committee requests the wide dissemination in Greece of the present concluding comments in order to make the people, including government officials, politicians, parliamentarians and women's and human rights organizations, aware of the steps that have been taken to ensure de jure and de facto equality of women, as well as the further steps that are required in that regard. The Committee requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Convention, its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and the Platform for Action and the outcome of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".**

554. **The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report under article 18 of the Convention, which is due in July 2008.**

Nicaragua

555. The Committee considered the sixth periodic report of Nicaragua (CEDAW/C/NIC/6) at its 761st and 762nd meetings, on 17 January 2007 (see CEDAW/C/SR.761 and 762). The Committee's list of issues and questions is contained in CEDAW/C/NIC/Q/6, and Nicaragua's responses are contained in CEDAW/C/NIC/Q/6/Add.1.

Introduction

556. The Committee expresses its appreciation to the State party for its sixth periodic report, which follows the guidelines for the preparation of periodic reports and took into consideration the Committee's previous concluding comments, while noting that it did not incorporate sufficient statistical data disaggregated by sex. The Committee also expresses its appreciation to the State party for the written replies to the list of issues and questions raised by the pre-session working group and for the oral presentation and further clarifications offered in response to the questions posed orally by the Committee.

557. The Committee commends the State party for its delegation, headed by the Adviser to the Executive Director of the Nicaraguan Institute for Women (INIM). It expresses its appreciation to the State party for the constructive dialogue and the efforts made by the delegation to respond to the questions raised by the Committee. It notes that the delegation did not include any representatives from other relevant

ministries or offices, which limited the ability of the delegation to provide clear and direct answers to some of the questions raised by the Committee.

Positive aspects

558. The Committee commends the State party on its establishment of the National Coalition against Trafficking in Persons in 2004, as well as its accession to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, also in 2004.

559. The Committee welcomes the Government's collaboration with civil society on women's issues.

Principal areas of concern and recommendations

560. **While recalling the State party's obligation to systematically and continuously implement all the provisions of the Convention, the Committee views the concerns and recommendations identified in the present concluding comments as requiring the State party's priority attention between now and the submission of the next periodic report. Consequently, the Committee calls upon the State party to focus on those areas in its implementation activities and to report on action taken and results achieved in its next periodic report. It calls on the State party to submit the present concluding comments to all relevant ministries and to its parliament so as to ensure their full implementation.**

561. The Committee is concerned that, although the Convention was ratified in 1981 without reservation, and despite the Committee's recommendations addressed to the State party in its concluding comments of 2001,[5] the Convention has not yet been fully incorporated into domestic legislation, and there is a lack of legal mechanisms to ensure compliance with the Convention. The Committee is also concerned about the long delay in the enactment of a comprehensive legal framework to eliminate discrimination against women and ensure women's enjoyment of their human rights. The Committee notes in particular the very extensive delays in the adoption of a family code and of the draft law on equal rights and opportunities.

562. **The Committee urges the State party to take all necessary measures to ensure that the Convention becomes fully applicable in the domestic legal system and to bring national legislation in line with the provisions of the Convention. The Committee urges the Government to work with the parliament to accelerate the adoption of pending legislation, including a family code and the draft law on equal rights and opportunities, within concrete timetables. The Committee also invites the State party to undertake a comprehensive review of its legislation, within an established time frame, aimed at identifying and eliminating all discriminatory laws without delay, including those that have discriminatory effects or impacts on women, and to put in place mechanisms for ensuring compliance with the provisions of the Convention, in accordance with its article 2.**

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[5] See *Official Records of the General Assembly, Fifty-sixth Session, Supplement No. 38* (A/56/38), part two, chap. IV, sect. B.7.

563. The Committee remains concerned that the national machinery for the advancement of women, i.e., INIM, does not have the visibility, human and financial resources, authority and capacity to effectively promote implementation of the Convention and support the use of the gender mainstreaming strategy across all sectors and levels of Government. It is also concerned about the limited coordination of different sectoral policies, programmes and plans with those focused on the promotion of gender equality, which may result in a fragmentation of efforts.

564. **The Committee calls on the State party to strengthen the national machinery for the advancement of women without delay so as to provide it with the authority, decision-making power and human and financial resources necessary to work effectively for the promotion of equality of women and the enjoyment of their human rights, as well as to strengthen its role in coordinating the use of the gender mainstreaming strategy across all sectors and levels of Government. The Committee further urges the State party to enhance coordination between the implementation of a range of sectoral policies, programmes and plans and those aimed at the promotion of gender equality, and to ensure effective monitoring and evaluation of results achieved.**

565. The Committee remains concerned about the persistence and pervasiveness of patriarchal attitudes and deep-rooted stereotypes regarding the roles, responsibilities and identities of women and men within the family and in all spheres of society at large. The Committee regrets that, despite its previous recommendations,[1] no sustained, systematic action has been taken by the State party to modify and eliminate stereotypes and negative cultural attitudes and practices that discriminate against women and prevent them from fully enjoying their human rights.

566. **The Committee urges the State party to put in place, without delay, a comprehensive strategy, including clear goals and timetables, to modify and eliminate negative cultural attitudes and practices and deep-rooted stereotypes that discriminate against women, in conformity with articles 2 (f) and 5 (a) of the Convention. It urges the State party to undertake such efforts in coordination with a wide range of stakeholders, and involving all sectors of society, so as to facilitate social and cultural change and the creation of an enabling environment that is supportive of gender equality. It also urges the State party to monitor such efforts and regularly assess progress made towards the achievement of established goals, and to include an assessment of results achieved in its next periodic report.**

567. While noting that the National Institute of Statistics and Censuses, in coordination with INIM, has designed an information system for monitoring the situation of women and men in Nicaragua, the Committee is concerned about the limited availability of data disaggregated by sex in a number of areas of the Convention. The Committee is concerned that the limited availability of such data may also constitute an impediment to the State party itself in designing and implementing targeted policies and programmes, and in monitoring their effectiveness in regard to the implementation of the Convention.

568. **The Committee calls the attention of the State party to its general recommendation 9, on statistical data, and requests that it give priority to the systematic collection of comprehensive data disaggregated by sex and of measurable indicators to assess trends in the situation of women and of progress towards the realization of women's de facto equality in all areas**

covered by the Convention. It encourages the State party to use these data and indicators in the formulation of laws, policies and programmes for the effective implementation of the Convention. The Committee requests the State party to include that information in its next report, disaggregated by age and ethnicity, as well as urban and rural areas, indicating the impact of measures taken and results achieved in the practical realization of women's de facto equality. It invites the State party, as necessary, to seek international technical assistance for the development of such data-collection and analysis efforts.

569. The Committee notes with concern that, while the Convention refers to the concept of equality, the terms "equality" and "equity" are used in the State party's plans and programmes in such a way that they could be interpreted as synonymous.

570. **The Committee urges the State party to take note that, as the terms, "equity" and "equality" are not synonymous or interchangeable, they must be clearly distinguished from each other to avoid conceptual confusion. The Convention is directed towards eliminating discrimination against women and ensuring de jure and de facto (formal and substantive) equality between women and men. The Committee therefore recommends that the State party expand the dialogue among public entities, academia and civil society in order to clarify the definition of equality in accordance with the provisions of the Convention.**

571. The Committee expresses its concern about the inadequate recognition and protection of the reproductive health and rights of women in the State party, especially among poor, rural, indigenous and Afro-descendent women. It is also concerned about the high rates of teenage pregnancies, inadequate family planning services and the lack of age-appropriate sex-education programmes and information on sexual and reproductive health. The Committee is also concerned about the high maternal mortality rates, particularly the number of deaths resulting from illegal and unsafe abortion. It is further concerned about recent steps taken by the State party to criminalize therapeutic abortion, which may lead more women to seek unsafe, illegal abortions, with consequent risks to their life and health, and to impose severe sanctions on women who have undergone illegal abortions, as well as on health professionals who provide medical care for the management of complications arising from unsafe abortions.

572. **The Committee urges the State party to take concrete measures to enhance women's access to health care, in particular to sexual and reproductive health services, in accordance with article 12 of the Convention and the Committee's general recommendation 24, on women and health. It requests the State party to strengthen measures aimed at the prevention of unwanted pregnancies, including by increasing knowledge and awareness about family planning and services for women and girls, and to take measures to ensure that women do not seek unsafe medical procedures, such as illegal abortion, because of the lack or inaccessibility, including due to cost, of appropriate family planning and the contraceptive services. The Committee recommends that the State party give priority attention to the situation of adolescents and that it provide age-appropriate sex education, targeted at girls and boys, with special attention to the prevention of early pregnancies and sexually transmitted diseases. The Committee recommends that the State party consider reviewing the laws relating to abortion with a view to removing punitive provisions**

imposed on women who have abortions and provide them with access to quality services for the management of complications arising from unsafe abortions, and to reduce women's maternal mortality rates in accordance with the Committee's general recommendation 24, on women and health, and the Beijing Platform for Action.

573. While noting steps taken to combat violence against women and girls and to enhance women's access to justice, the Committee remains concerned about the prevalence of all forms of violence against women and girls, and the lack of social awareness about and condemnation of such violence in the country. The Committee notes with concern the lack of enforcement of laws and prosecution and punishment of perpetrators, and women's lack of access to justice in cases of violence, especially women and girls from poor and rural areas, as well as indigenous and Afro-descendent women. It is also concerned about the lack of statistical data on violence against women, and of steps taken to assess the effectiveness of measures undertaken to address violence against women.

574. **The Committee urges the State party to accord priority attention to the adoption of a comprehensive and integrated approach to address violence against women and girls, taking into account the Committee's general recommendation 19, on violence against women. The Committee calls on the State party to put in place concrete prevention efforts, to fully and consistently implement and enforce laws on violence against women and to effectively prosecute and adequately punish perpetrators. It urges the State party to ensure that all women victims of violence, including poor, rural, indigenous and Afro-descendent women, have access to immediate means of redress, protection, support and legal aid. The Committee also urges the State party to establish, within a given time frame, a system for the regular collection of statistical data on violence against women, disaggregated by type of violence and by the relationship of the perpetrators and victims. It also calls on the State party to conduct research on the prevalence, causes and consequences of all forms of violence against women, including domestic and sexual violence, to serve as the basis for comprehensive and targeted intervention. It further recommends the implementation of ongoing gender sensitivity training for public officials and of awareness-raising efforts for the general public about violence against women, in particular domestic violence, and the unacceptability of all such violence, including in the media. It requests that the State party include information on the steps and measures taken, and their impact, in its next periodic report.**

575. While recognizing the efforts made by the State party to address trafficking in and sexual exploitation of women and girls, the Committee is concerned about the continued vulnerability of women and girls to traffickers, and about the inadequate measures to combat this phenomenon.

576. **The Committee urges the State party to intensify its efforts to address trafficking in and sexual exploitation of women and girls, and to step up the prosecution and adequate punishment of offenders. It recommends the introduction of measures aimed at improving the economic situation of women so as to eliminate their vulnerability to traffickers and education initiatives for vulnerable groups, including girls, as well as social support, rehabilitation and reintegration measures for women and girls who have been victims of**

trafficking. It requests the State party to compile data and systematically monitor the extent of trafficking and the effectiveness of measures, and results achieved with its efforts to combat this phenomenon.

577. The Committee is concerned about the high levels of unemployment among women, and of the displacement of women into informal-sector work, resulting in high levels of migration, and the lack of adequate and effective enforcement of labour laws. It notes with particular concern the continuing violations of the rights of women working in the free trade zones and maquiladoras, including their right to association and access to justice, their conditions of work and the lack of employers' compliance with safety and health standards. The Committee is also concerned about the lack of legal provisions on sexual harassment, and about the situation of domestic workers.

578. **The Committee calls upon the State party to increase women's opportunity to transition from informal- to formal-sector employment, including through the provision of training and capacity-building efforts. It calls on the State party to fully enforce existing labour legislation; put in place effective measures to prevent and punish violations of the rights of women working in the maquiladora industries; address the lack of adherence to safety and health standards in those industries; and enhance women workers' access to justice and legal assistance. It also calls on the State party to undertake awareness-raising efforts so that women workers can claim their rights, and to inform women of the potential risks of migration. It requests the State party to establish a concrete timetable for the adoption of legislative and policy measures to protect the rights of domestic workers, as well as on sexual harassment. It requests the State party to include in its next periodic report information on the impact of steps and measures taken to enhance compliance with article 11 of the Convention.**

579. The Committee regrets the lack of information about results achieved in the implementation of the first part of the national education plan, 2001-2015, and of data disaggregated by sex in the area of education, which makes it difficult to assess progress made over time towards the full implementation of article 10 of the Convention.

580. **The Committee encourages the State party to strengthen its monitoring of progress, for women and girls, in the implementation of its educational policies and programmes. It recommends that the State party take steps to ensure equal access for girls and young women to all levels of education, and to retain girls in school. The Committee recommends that the State party make every effort to improve the literacy level of girls and women, particularly poor, rural, indigenous and Afro-descendent women, including through adequate resourcing of comprehensive programmes at the formal and non-formal levels and through adult education and training, and invites the State party, as necessary, to seek international assistance for the development and monitoring of such efforts. It requests the State to include in its next periodic report information, including data disaggregated by sex and trends over time, on girls' and women's education and on the impact of measures taken in this field.**

581. The Committee is concerned about the recent decrease in the representation of women in political and public decision-making positions at all levels. It is

concerned about the impact of negative stereotypes on women's participation in public life.

582. **The Committee calls upon the State party to accelerate the process of increasing women's full and equal participation in public life and decision-making at all levels, including through the use of temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25. It suggests that the State party establish concrete goals and timetables and implement leadership training programmes to support women in leadership and decision-making positions. It urges the State party to carry out awareness-raising campaigns, for women and men, aimed at the elimination of stereotypes associated with men's and women's traditional roles in the family and in society at large and at enhancing women's full and equal participation in public life and decision-making.**

583. While noting efforts made by INIM through the Inter-Institutional Commission for Women and Rural Development, the Committee is concerned about the situation of rural women, including their persistent high levels of poverty and extreme poverty, lack of access to land, credit and basic social services, including health, education and training, and very limited participation in decision-making. The Committee is also concerned about the absence of a comprehensive strategy for rural development that addresses the structural nature of the situation of rural women and that, in practice, rural women may not benefit fully and equally from existing policies and programmes aimed at promoting gender equality.

584. **The Committee urges the State party to give full attention to the needs of rural women and ensure that all policies and programmes aimed at promoting gender equality reach the rural areas and are fully implemented at the county level. It recommends that the State party strengthen its efforts to implement nationwide effective health and educational programmes, including programmes in the areas of functional literacy, enterprise development, skills training and microfinance, as a means of poverty alleviation, and adopt measures to ensure women's equal access to credit. It urges the State party to increase rural women's participation in decision-making processes. The Committee also urges the State party to make the promotion of gender equality an explicit component of its national development plans and policies, in particular those aimed at poverty alleviation and sustainable development, and invites the State party to place emphasis on women's human rights in all development cooperation programmes with international organizations and bilateral donors, so as to address the socio-economic causes of discrimination against women, including those affecting women in rural areas, through all available sources of support. In particular, it recommends that the State party set clear benchmarks and timetables for the implementation of measures targeting rural women, and to report on the impact of its efforts in its next periodic report.**

585. The Committee is concerned about the situation of indigenous and Afro-descendent women and the multiple forms of discrimination they face, which limit their de facto enjoyment of their human rights and full participation in all spheres of life.

586. **The Committee encourages the State party to adopt concrete, targeted measures to accelerate the improvement of conditions of indigenous women and**

women of African descent in all spheres of life. It calls upon the State party to ensure that indigenous women and women of African descent have full access to appropriate education and health services and can fully participate in decision-making processes. It requests the State party to include information and data and trends over time on the situation of indigenous women and women of African descent and on the impact of measures taken to overcome multiple discrimination against them in its next periodic report.

587. **The Committee encourages the State party to ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women and to accept, as soon as possible, the amendment to article 20, paragraph 1, of the Convention, concerning the meeting time of the Committee.**

588. **The Committee urges the State party to utilize fully in its implementation of its obligations under the Convention the Beijing Declaration and Platform for Action, which reinforce the provisions of the Convention, and requests the State Party to include information thereon in its next periodic report.**

589. **The Committee also emphasizes that a full and effective implementation of the Convention is indispensable for achieving the Millennium Development Goals. It calls for the integration of a gender perspective and explicit reflection of the provisions of the Convention in all efforts aimed at the achievement of the Millennium Development Goals and requests the State party to include information thereon in its next periodic report.**

590. **The Committee commends the State party for having ratified the seven major international human rights instruments.[1] The Committee notes that the State party's adherence to the seven major international human rights instruments enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life.**

591. **The Committee requests the wide dissemination in Nicaragua of the present concluding comments in order to make the people, including government officials, politicians, parliamentarians and women's and human rights organizations, aware of the steps that have been taken to ensure de jure and de facto equality of women, as well as the further steps that are required in that regard. The Committee requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Convention, its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".**

592. **The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report under article 18 of the Convention. The Committee invites the State party to submit its seventh periodic report, which was due in November 2006, and its eighth periodic report, which is due in November 2010, in a combined report in 2010.**

Peru

593. The Committee considered the sixth periodic report of Peru (CEDAW/C/PER/6) at its 763rd and 764th meetings, on 19 January 2007 (CEDAW/C/SR.763 and 764). The Committee's list of issues and questions is

contained in CEDAW/C/PER/Q/6 and the responses of Peru are contained in CEDAW/C/PER/Q/6/Add.1.

Introduction

594. The Committee expresses its appreciation to the State party for its sixth periodic report, which was prepared in accordance with the Committee's reporting guidelines and takes fully into account the Committee's previous concluding comments. The Committee also expresses its appreciation for the written replies to the list of issues and questions raised by the pre-session working group and for the oral presentation and responses to the questions posed by the Committee.

595. The Committee expresses its appreciation for the constructive dialogue held between the delegation and the members of the Committee.

596. The Committee commends the State party for reporting in a timely manner under the Convention.

597. The Committee commends the State party for having ratified the Optional Protocol to the Convention in 2001.

Positive aspects

598. The Committee notes with satisfaction the efforts made to implement the Convention through the adoption of laws, policies, plans and programmes, including the Prevention and Punishment of Sexual Harassment Act (2003), the National Equal Opportunity Plan for Men and Women (2003), the National Plan of Action for Children and Adolescents (2002) and the restructuring of the national machinery for the advancement of women (2002).

599. The Committee notes with satisfaction the results of efforts to increase the number of women in political positions in Peru, including the number of women ministers and the establishment of a minimum proportion of 30 per cent of women or men who must be included in the lists of candidates for Congress.

600. The Committee commends the engagement of the State, universities and civil society in addressing issues affecting women and the involvement of non-governmental organizations (NGOs) in the preparation of the report.

Principal areas of concern and recommendations

601. **While recalling the State party's obligation to implement systematically and continuously all provisions of the Convention, the Committee views the concerns and recommendations identified in the present concluding comments as requiring the State party's priority attention between the present time and the submission of the next periodic report. Consequently, the Committee calls upon the State party to focus on those areas in its implementation activities and to report on the action taken and the results achieved in its next periodic report. It calls upon the State party to submit the present concluding comments to all relevant ministries and to Parliament so as to ensure their full implementation.**

602. The Committee regrets the lack of reliable statistical data disaggregated by sex and by rural and urban areas and by ethnicity in the report, which makes it difficult to assess accurately the actual situation of women in regard to all areas covered by

the Convention and to determine whether direct or indirect forms of discrimination persist. The Committee is concerned that the limited availability of such detailed data may also constitute an impediment to the State party itself in designing and implementing targeted policies and programmes, and in monitoring their effectiveness in regard to the implementation of the Convention.

603. **The Committee calls upon the State party to expeditiously strengthen its existing system of data collection in all areas covered by the Convention so as to accurately assess the actual situation of women and to track trends over time. It also calls upon the State party to monitor, through measurable indicators, the impact of measures taken and progress achieved towards the realization of women's de facto equality. It encourages the State party to use these data and indicators in the formulation of laws, policies and programmes for the effective implementation of the Convention. The Committee requests the State party to include this information and data in its next report, disaggregated by urban and rural areas and by ethnicity, indicating the impact of measures taken and results achieved in the practical realization of women's de facto equality.**

604. The Committee notes with concern that, while the Convention refers to the concept of equality, the term "equity" is used in referring to the State party's plans and programmes in such a way that they could be interpreted as being synonymous.

605. **The Committee requests the State party to take note that the terms "equity" and "equality" convey different messages and their simultaneous use can lead to conceptual confusion. The Convention is directed towards eliminating discrimination against women and ensuring de jure and de facto (formal and substantive) equality between women and men. The Committee recommends that the State party consistently uses the term "equality" in its plans and programmes.**

606. While noting the restructuring of the Ministry of Women and Social Development and the creation of a Vice-Ministry for Women, the Committee expresses concern that the national machinery for the advancement of women may not have sufficient decision-making power or financial and human resources to effectively promote the implementation of the Convention and gender equality. The Committee is further concerned that the absence of national legislation on equality between women and men may limit the ability of the national machinery to carry out its efforts in support of gender mainstreaming across all sectors of Government.

607. **The Committee requests the State party to ensure that the national machinery for the advancement of women has sufficient decision-making power and financial and human resources to effectively promote a substantive approach to the implementation of the Convention which takes into account sexual, gender and cultural differences. It calls upon the State party to enact legislation on equality between women and men which will provide the national machinery for the advancement of women with a stronger mandate to carry out its functions in regard to the implementation of all provisions of the Convention, as well as to support and coordinate effectively the use of the gender mainstreaming strategy in all policy areas and by all levels of government.**

608. The Committee is concerned that the information provided in the report indicates a lack of understanding of the difference between temporary special

measures that are aimed at accelerating de facto, substantive equality of women, as called for under article 4, paragraph 1, of the Convention, and general social policies that are adopted to implement the Convention. The Committee is further concerned that while measures are being taken to increase the political participation of women, they are underrepresented in other public bodies, such as public administration and the judiciary, and at the local/municipal level.

609. **The Committee recommends that the State party take concrete measures, including temporary special measures in accordance with article 4, paragraph 1, of the Convention and general recommendation 25, in all areas to accelerate the practical realization of women's de facto equality with men. It also encourages the State party to make better known the purpose of temporary special measures as elaborated by the Committee in its general recommendation 25. The Committee urges the State party to implement a strategic plan with measures that will result in an increased number of women in public positions, including the public administration, the judiciary and the local/municipal level, together with the establishment of timetables and targets. The Committee further suggests the implementation of awareness-raising activities about the importance of women's participation in decision-making for society as a whole.**

610. While the Committee takes note of various initiatives at the legislative and policy levels to reduce violence against women, including the National Plan against Violence towards Women, it remains gravely concerned about the extent, intensity and prevalence of such violence. In particular, the Committee remains concerned that women experience significant obstacles in accessing justice, particularly indigenous women who also face language barriers, the lack of enforcement measures which contribute to impunity for perpetrators, and the persistence of permissive attitudes in society towards violence against women. The Committee remains concerned that incestual sexual abuse is not characterized as a crime.

611. **The Committee urges the State party to give enhanced priority attention to the design and implementation of a comprehensive strategy to combat and eradicate all forms of violence against women, in conformity with general recommendation 19, to prevent violence, punish offenders and provide services for victims. Such a strategy should also include awareness-raising measures and sensitization of, in particular, the judiciary, law enforcement officers and prosecutors, as well as teachers, health-care and social workers and the media. It calls upon the State party to ensure the implementation and effective enforcement of existing laws and reiterates its recommendation from its previous concluding comments that the State party criminalize incestual sexual abuse. It also encourages the State party to link its efforts to combat prevailing gender-based stereotypes that discriminate against women with its efforts to combat violence against women. It further calls upon the State party to establish a monitoring and evaluation mechanism so as to regularly assess the impact and effectiveness of law enforcement and of programmes aimed at preventing and redressing violence against women. The Committee encourages the State party to provide information on the impact of steps taken, progress achieved and remaining obstacles encountered in its next periodic report.**

612. While acknowledging the report of the Truth Commission regarding the violations of human rights during the armed conflict of 1980 to 2000, and the

collective reparation given to people in affected communities in rural areas, the Committee is concerned that only rape is recognized as violence against women, and that the compilation of individual cases of human rights violations is still not finished. The Committee is also gravely concerned that investigation and prosecution for all acts of violence against women are not taking place and that remedies for individual victims are not readily available.

613. **The Committee urges the State party to extend its definition of violence against women, including, in particular, sexual slavery, forced pregnancy, forced prostitution, forced union and forced domestic labour. The Committee recommends that the State party give necessary assistance to the women victims of violence during the armed conflict of 1980 to 2000 so that they do not have to travel long distances to register their cases to judges and prosecutors. The Committee also calls upon the State party to investigate and prosecute all acts of violence committed against women and to provide individual reparations to the women who experienced various forms of violence.**

614. The Committee is concerned that women's access to justice is limited, in particular because of women's lack of information on their rights, lack of legal aid, the insufficient understanding of the Convention by the judiciary and the lengthy legal processes which are not understood by women. The Committee is concerned that physical and psychological violence cases are particularly difficult to be prosecuted in the legal system.

615. **The Committee encourages the State party to eliminate impediments women may face in accessing justice and to enhance women's legal literacy, awareness of their rights and capacity to effectively claim them. It further urges the State party to take additional measures to disseminate information about the Convention, the procedures under the Optional Protocol and the Committee's general recommendations, and to implement programmes for prosecutors, judges and lawyers that cover all relevant aspects of the Convention and the Optional Protocol. It also recommends that sustained awareness-raising and legal literacy campaigns targeting women, including rural women and NGOs working on women's issues, be undertaken to encourage and empower women to avail themselves of available procedures and remedies for violations of their rights under the Convention.**

616. The Committee expresses its concern about the inadequate recognition and protection of the reproductive health and rights of women in the State party. It is particularly concerned about the high rate of teenage pregnancies, which presents a significant obstacle to girls' educational opportunities and economic empowerment, and about the limited availability of emergency contraceptives, particularly in the rural areas. The Committee notes with concern that illegal abortion remains one of the leading causes of the high maternal mortality rate and that the State party's restrictive interpretation of therapeutic abortion, which is legal, may further lead women to seek unsafe and illegal abortions. It is further concerned that the recommendations of the Human Rights Committee in KL v Peru (CCPR/C/85/D/1153/2003 (2005)) were not adhered to by the State party.

617. **The Committee urges the State party to step up the provision of family planning information and services to women and girls, including emergency contraception, and to promote sex education widely, in particular in the regular education curriculum targeted at adolescent girls and boys, with special**

attention to the prevention of teenage pregnancies. The Committee also urges the State party to provide women with access to quality services for the management of complications arising from unsafe abortions so as to reduce women's maternal mortality rates. The Committee urges the State party to review its restrictive interpretation of therapeutic abortion, which is legal, to place greater emphasis on the prevention of teenage pregnancies and to consider reviewing the law relating to abortion for unwanted pregnancies with a view to removing punitive provisions imposed on women who undergo abortion, in line with the Committee's general recommendation 24 on women and health, and the Beijing Declaration and Platform for Action. The Committee further calls upon the State party to comply with the recommendations of the Human Rights Committee in KL v Peru.

618. The Committee is concerned about the low education level of girls, particularly their levels of illiteracy, truancy and school drop-out rates. It is particularly concerned about the education of rural girls who continue to face significant disadvantages in access to and quality of education, as well as in years of formal schooling, a situation that results in rural women's increased functional illiteracy.

619. **The Committee urges the State party to immediately take all appropriate measures, including temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25 on temporary special measures, to reduce the illiteracy rate of women and to provide education, both formal and informal, to women, especially in rural areas. The Committee also recommends that efforts to ensure implementation of free and compulsory primary education at the national level be strengthened.**

620. The Committee is concerned about the situation of those women who face a high risk of consistent poverty and social exclusion in the State party, including children and girls working on the street, and the absence of gender perspectives in poverty eradication strategies.

621. **The Committee urges the State party to accelerate its efforts to eradicate poverty among women, including children and girls working on the street, by incorporating gender perspectives in all development programmes and ensuring women's full and equal participation in decision-making on those programmes, as well as in their implementation processes.**

622. While noting the State party's recent initiatives to address the problem of trafficking in women and girls, the Committee remains concerned about the insufficient information on the causes and extent of trafficking in Peru as an origin, transit and destination country, and the absence of adequate measures to combat the phenomenon of trafficking in women and girls.

623. **The Committee calls upon the State party to ensure that legislation on trafficking is fully enforced and that the national action plan and other measures to combat trafficking in human beings are fully implemented. The Committee urges the State party to collect and analyse data from the police and international sources, prosecute and punish traffickers, and ensure the protection of the human rights of trafficked women and girls. It also recommends that the State party address the root cause of trafficking by**

increasing its efforts to improve the economic situation of women, thereby eliminating their vulnerability to exploitation and traffickers, and take measures for the rehabilitation and social integration of women and girls who are victims of trafficking. The Committee requests the State party to provide in its next report comprehensive information and data on trafficking in women and girls and on prostitution, as well as the measures in place to combat these phenomena and their impact.

624. The Committee notes with concern the large number of women, particularly indigenous and rural women, who do not have any documentation registering their births and consequently cannot claim nationality and social benefits in the State party.

625. **The Committee encourages the State party to expedite and facilitate the process of registration of women without documentation and issue birth certificates and identity documents. The Committee urges the State party to establish concrete goals and timetables for these women to be able to document their nationality, particularly in the rural areas, and provide information on the progress achieved in its next report.**

626. The Committee expresses concern that the minimum legal age of marriage is 16 years for both girls and boys and that such a low legal age of marriage may prevent girls from continuing their education, lead them to drop out of school early and may result in difficulties in their achievement of economic autonomy and empowerment.

627. **The Committee urges the State party to take measures towards raising the minimum legal age of marriage for girls and boys to 18 years with a view to bringing it into line with article 1 of the Convention on the Rights of the Child, and with article 16, paragraph 2, of the Convention and the Committee's general recommendation 21 on equality in marriage and family relations.**

628. The Committee is concerned about the situation of rural, indigenous and minority women, which is characterized by precarious living conditions and lack of access to justice, health care, education, credit facilities and community services. The Committee is concerned that widespread poverty and poor socio-economic conditions are among the causes of the violation of women's human rights and discrimination against rural, indigenous and minority women. The Committee is further concerned about racism and multiple forms of discrimination against Afro-Peruvian women.

629. **The Committee urges the State party to pay special attention to the needs of rural, indigenous and minority women, ensuring that they participate in decision-making processes and have full access to justice, education, health services and credit facilities. The Committee invites the State party to place emphasis on women's human rights in all development cooperation programmes, including with international organizations and bilateral donors, so as to address the socio-economic causes of discrimination against rural, indigenous and minority women through all available sources of support. The Committee encourages the State party to take more effective measures to eliminate discrimination against Afro-Peruvian women and to strengthen its efforts to combat and eliminate racism against women and girls in Peru.**

630. **The Committee urges the State party to utilize fully, in its implementation of its obligations under the Convention, the Beijing Declaration and Platform for Action, which reinforce the provisions of the Convention, and requests the State party to include information thereon in its next periodic report.**

631. **The Committee emphasizes that full and effective implementation of the Convention is indispensable for achieving the Millennium Development Goals. It calls for the integration of a gender perspective and explicit reflection of the provisions of the Convention in all efforts aimed at the achievement of the Goals and requests the State party to include information thereon in its next periodic report.**

632. **The Committee commends the State party for having ratified the seven major international human rights instruments.[1] It notes that the State party's adherence to those instruments enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life.**

633. **The Committee requests the wide dissemination in Peru of the present concluding comments in order to make the people, including government officials, politicians, parliamentarians and women's and human rights organizations, aware of the steps that have been taken to ensure de jure and de facto equality of women, and of the further steps that are required in that regard. The Committee requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Convention, its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".**

634. **The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report under article 18 of the Convention. The Committee invites the State party to submit its seventh periodic report, which is due in October 2007, and its eighth periodic report, which is due in October 2011, in a combined report in 2011.**

Chapter V

Activities carried out under the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women

635. Article 12 of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women provides that the Committee shall include in its annual report under article 21 of the Convention a summary of its activities under the Optional Protocol.

A. Action taken by the Committee in respect of issues arising from article 2 of the Optional Protocol

636. The Committee took action on communication No. 11/2006 (see annex I to part one of the report).

B. Action taken by the Committee in respect of issues arising from article 8 of the Optional Protocol

637. In accordance with article 8, paragraph 1, of the Optional Protocol, if the Committee receives reliable information indicating grave or systematic violations by a State party of rights set forth in the Convention, the Committee shall invite that State party to cooperate in the examination of the information and, to this end, to submit observations with regard to the information concerned. In accordance with rule 77 of the Committee's rules of procedure, the Secretary-General shall bring to the attention of the Committee information that is or appears to be submitted for the Committee's consideration under article 8, paragraph 1, of the Optional Protocol.

638. In accordance with the provisions of rules 80 and 81 of the Committee's rules of procedure, all documents and proceedings of the Committee relating to its functions under article 8 of the Optional Protocol are confidential and all the meetings concerning its proceedings under that article are closed.

C. Appointment of members of the Working Group on Communications under the Optional Protocol

639. The Committee appointed the following five members to serve on the Working Group on Communications under the Optional Protocol for a term of two years, until 31 December 2008:

Magalys Arocha Dominguez

Dorcas Coker-Appiah

Cees Flinterman

Pramila Patten

Anamah Tan

Chapter VI

Ways and means of expediting the work of the Committee

640. The Committee considered agenda item 8, ways and means of expediting the work of the Committee, at its 756th and 773rd meetings, on 15 January and 2 February 2007, and in closed meetings.

Action taken by the Committee under agenda item 8

Members of the pre-session working group for the thirty-eighth and thirty-ninth sessions

641. The Committee decided that the members of the pre-session working group for the thirty-eighth and thirty-ninth sessions would be:

Meriem Belmihoub-Zerdani

Fumiko Saiga

Maria Regina Tavares da Silva

Xiaoqiao Zou

642. The Committee decided that the members of the pre-session working group for the fortieth and forty-first sessions would be:

Meriem Belmihoub-Zerdani

Ferdous Ara Begum

Françoise Gaspard

Hazel Gumede Shelton

Violeta Neubauer

Silvia Pimentel

Heisoo Shin

Glenda Simms

Hanna Beate Schöpp-Schilling

Dubravka Šimonović

Dates of future sessions of the Committee

643. In accordance with the calendar of conferences and meetings for 2007, the following schedule was confirmed:

- Thirty-eighth session: 14 May to 1 June 2007
- Thirty-ninth session: 23 July to 10 August 2007
- Pre-session working group for the thirty-ninth session: 5 to 9 February 2007
- Pre-session working group for the fortieth session: 16 to 20 July 2007

- Ninth session of the Working Group on Communications under the Optional Protocol: 5 to 7 February 2007
- Tenth session of the Working Group on Communications under the Optional Protocol: 18 to 20 July 2007

Reports to be considered at future sessions of the Committee

644. The Committee confirmed that it will consider the reports of the following States parties at its thirty-eighth and thirty-ninth sessions, and selected the following States parties to present their reports at the fortieth and forty-first sessions, subject to any adjustments that may become necessary:

(a) Thirty-eighth session

Mauritania

Mozambique

Niger

Pakistan

Serbia

Sierra Leone

Syrian Arab Republic

Vanuatu

(b) Thirty-ninth session

Cook Islands (initial report)

Belize

Bolivia

Brazil

Estonia

Guinea

Honduras

Hungary

Indonesia

Jordan

Kenya

Liechtenstein

New Zealand

Republic of Korea

Singapore

(c) Fortieth session

Saudia Arabia (initial report)

Burundi

Finland

France

Lebanon

Lithuania

Luxembourg

Morocco

(d) Forty-first session (to be completed)

Iceland

Nigeria

Norway

Portugal

Sweden

United Kingdom of Great Britain and Northern Ireland

Yemen

Composition of parallel chambers at the thirty-ninth session

645. The Committee decided on the following composition of its parallel chambers for the thirty-ninth session; and allocation of reports of States parties:

Chamber A	*Chamber B*
Ferdous Ara Begum	Magalys Arocha Dominguez
Saisuree Chutikul	Meriem Belmihoub-Zerdani
Naela Gabr Mohemed Gabre Ali	Dorcas Ama Frema Coker-Appiah
Françoise Gaspard	Mary Shanthi Dairiam
Tiziana Maiolo	Cees Flinterman
Violeta Neubauer	Hazel Gumede Shelton
Pramila Patten	Ruth Halperin-Kaddari
Silvia Pimentel	Dubravka Šimonović
Fumiko Saiga	Anamah Tan
Hanna Beate Schöpp-Schilling	Maria Regina Tavares da Silva
Heisoo Shin	Xiaoqiao Zou
Glenda Simms	

States parties to be considered in chamber A	*States parties to be considered in chamber B*
Belize (CEDAW/C/BLZ/3-4)	Bolivia (CEDAW/C/BOL/2-4)
Guinea (CEDAW/C/GIN/4-6)	Brazil (CEDAW/C/BRA/6)
Honduras (CEDAW/C/HON/6)	Estonia (CEDAW/C/EST/4)
Hungary (CEDAW/C/HUN/6)	Kenya (CEDAW/C/KEN/6)
Indonesia (CEDAW/C/IDN/4-5)	Liechtenstein (CEDAW/C/LIE/2 and CEDAW/C/LIE/3)
Jordan (CEDAW/C/JOR/3-4)	New Zealand (CEDAW/C/NZL/6)
Singapore (CEDAW/C/SGP/3)	Republic of Korea (CEDAW/C/KOR/5 and CEDAW/C/KOR/6)

646. The initial report of the Cook Islands (CEDAW/C/COK/1) will be considered in plenary meeting.

United Nations meetings to be attended by the Chairperson or members of the Committee in 2007

647. The Committee recommended that the Chairperson or an alternate attend the following meetings in 2007:

(a) The fifty-first session of the Commission on the Status of Women;

(b) The fourth session of the Human Rights Council;

(c) The nineteenth meeting of persons chairing human rights treaty bodies;

(d) The sixth inter-committee meeting, together with two other members of the Committee;

(e) The sixty-second session of the General Assembly (Third Committee).

Enhancing the Committee's working methods under article 18 of the Convention

Working methods in parallel chambers

648. The Committee undertook an assessment of its work in parallel chambers, and concluded that overall, the experience had been a very positive one.

649. Experts agreed that three annual sessions, at least one of which would be held in chambers, would ensure that the Committee could discharge all its responsibilities under the Convention as well as the Optional Protocol in a timely manner. The Committee suggested that the first session after elections of new members should be convened in plenary meetings only so as to ensure their speedy familiarization with the Committee's working methods.

650. Experts confirmed that the working methods in regard to parallel chambers remained in place.[6] At the same time, experts identified a number of areas for improvement. Further efforts would be made to enhance coordination among all experts in the preparation for the constructive dialogue, so as to ensure that all critical issues are satisfactorily raised with the reporting State.

651. Experts agreed that the country rapporteurs would take a stronger and more proactive role in coordinating the work in chambers and in ensuring that all experts would be able to contribute to the dialogue in a timely and meaningful manner. They agreed that country briefing notes would be circulated 7 to 10 days prior to the beginning of a session. Further efforts would be made to ensure that the briefing notes were succinct, and included all critical issues to be covered in the constructive dialogue. Country rapporteurs would also take a lead role in ensuring that all pending critical issues were brought up in follow-up questions. Experts also agreed that each country rapporteur would give a brief introduction of the draft concluding comments in plenary, prior to their consideration and adoption.

652. The Committee requested its Secretariat to include States parties' core documents, to the extent that they exist, in the session documentation that is sent to experts in advance of each session.

Request for long overdue initial reports

653. The Committee reviewed the status of submission of reports by States parties (CEDAW/C/2007/I/2) and agreed to proceed in accordance with its decisions 29/I and 31/III (i). In doing so, the Committee also took into consideration its previous experience in inviting two States parties, Cape Verde and Saint Lucia, to submit all their overdue reports as combined reports. The Committee consequently decided to send letters to the following 12 States parties that are more than 10 years overdue in submitting their initial report under article 18 of the Convention: the Bahamas, the Central African Republic, Chad, Comoros, Dominica, Grenada, Guinea-Bissau, Haiti, Lesotho, Liberia, Papua New Guinea and Seychelles. In addition, the Committee decided to request the four States parties that are more than 20 years overdue in submitting their initial report under article 18 of the Convention, that is, Dominica, Guinea-Bissau, Haiti and Liberia, to submit all their overdue reports as combined reports by March 2008, for consideration at its forty-third (January) session of 2009. As a measure of last resort, and failing the receipt of the reports within the suggested time frame, the Committee will proceed with consideration of the implementation of the Convention in the four States parties in the absence of a report.

Follow-up to the recommendation of the fifth inter-committee meeting and the eighteenth meeting of chairpersons of the human rights treaty bodies

654. The Committee was briefed by Beate Schöpp-Schilling on the results of the working group on harmonization of working methods (see A/61/38, part III, para. 638). The Committee held a discussion on the working group's preliminary points of agreement (HRI/MC/2007/2, paras. 22 to 33). Referring to its own statement "Towards a harmonized and integrated human rights treaty body system",

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[6] See *Official Records of the General Assembly, Sixty-first Session, Supplement No. 38* (A/61/38), part II, paras. 364-379.

the Committee supports the suggestion that a task force on working methods be established (see HRI/MC/2007/2, para. 23), for a period of not more than two years, with up to three meetings annually. The Committee emphasizes that at this stage, such a task force should not replace, nor overlap in its work, with the mandate and purpose of the ICM/MC. The Committee also agrees that the ICM should hold two meetings per year. The Committee does not support the suggestion that the task force consider the formation of a sub-group to address aspects of communications (see paras. 23 in fine and 26), including admissibility and routing to the most appropriate committee. The Committee would, however, welcome enhanced information exchange among experts of the different treaty bodies on communications procedures on issues such as working methods and review of past cases, for example in the form of workshops or seminars. The Committee also urges the Office of the United Nations High Commissioner for Human Rights to cooperate with the Division for the Advancement of Women in the implementation of requests and recommendations for research, studies and dissemination campaigns, referred to in paragraphs 28 to 32.

Follow-up to concluding comments

655. The Committee held a preliminary discussion on follow-up to concluding comments. It noted the current practice of other human rights treaty bodies and agreed to continue to review the issue at its next session.

Harmonized guidelines on reporting

656. The Committee will continue to review its guidelines for preparation of reports by States parties under article 18 of the Convention, in the light of the acceptance, by the inter-committee meeting, of the revised harmonized reporting guidelines under international human rights treaties, including guidelines on a common core document and treaty-specific documents (HRI/MC/2006/3; see also A/61/38, part III, para. 636). The Committee requested its secretariat to prepare a technical analysis of the Committee's current guidelines for reporting in the light of the guidelines for the expanded common core document, for intersessional consideration by the Committee's working group. The Committee agreed to take up the question of any possible revisions of its guidelines as a matter of priority at its thirty-eighth session.

Working group on reservations

657. The Committee was briefed by Cees Flinterman on the results of the working group on reservations (see A/61/38, part III, para. 638). The Committee held a discussion on the working group's recommendations, and noted in particular that they are in line with the Committee's practice. Experts agreed to keep the question of reservations under review at future sessions.

Indicators for monitoring compliance with international human rights instruments

658. Ms. Schöpp-Schilling briefed the Committee on an expert meeting, convened by the Office of the United Nations High Commissioner for Human Rights in December 2006, and to which she had been invited in her personal capacity, on the development of indicators for monitoring compliance with international human

rights instruments. The report of a previous meeting on the same topic had been considered at the fifth inter-committee meeting (see HRI/MC/2006/7). She stressed the importance of the issue and encouraged the Committee to study the matter, and to convene an informal seminar at a future session.

Committee focal points

659. The Committee discussed the possible purpose and terms of reference of Committee focal points vis-à-vis entities of the United Nations system. It agreed that in the light of its enhanced interaction with, and the efforts of such entities to provide the Committee with country-specific information, there was no need for a continuation of the practice of Committee focal points at that stage. That position will also be presented to the ICM/MC.

Other matters

660. The Committee held an exchange of views, on 15 January 2007, with the United Nations High Commissioner for Human Rights on issues of common interest, and in particular on the decision of 11 October 2006 by the Secretary-General to transfer responsibility for servicing the Committee to the Office of the United Nations High Commissioner for Human Rights.

661. On 29 January 2007, the Committee was briefed by and engaged in an interactive dialogue with the Special Adviser on Gender Issues and Advancement of Women and with the Director of the Division for the Advancement of Women on matters pertaining to United Nations reform, and in particular proposals regarding a new gender equality architecture (see in particular A/61/583 and A/61/590).

662. The Committee held an exchange of views, on 1 February 2007, with the Special Rapporteur of the International Law Commission on the topic of "Reservations to treaties", Alain Pellet.

Chapter VII
Implementation of article 21 of the Convention

663. The Committee considered agenda item 7, on the implementation of article 21 of the Convention, at its 756th and 773rd meetings, on 15 January and 2 February 2007, and in closed meetings.

Action taken by the Committee under agenda item 7

General recommendations on migrant women

664. The Committee's working group on a general recommendation on migrant women indicated a lack of progress during the intersessional period in the further revision of the draft. The working group was reconstituted, as follows: Ms. Dairiam (Chairperson), Ms. Shin, Ms. Pimentel, Ms. Arocha, Ms. Gabr, Ms. Gaspard, Ms. Tavares da Silva and Ms. Ara Begum. Experts agreed that any further specific suggestions could be submitted to the working group by the end of February, following which the working group will prepare a revised draft. This new draft will be circulated in advance of the thirty-eighth session, and the Committee will set aside one day for its consideration.

General recommendation on article 2

665. The Committee's working group on a general recommendation on article 2 likewise indicated a lack of progress during the intersessional period. The working group was reconstituted, as follows: Mr. Flinterman (Chairperson), Ms. Šimonović, Ms. Dairiam, Ms. Pimentel, Ms. Schöpp-Schilling, Ms. Belmihoub-Zerdani, Ms. Halperin-Kaddari and Ms. Gumede Shelton. At the thirty-eighth session, the working group will propose a time line for preparation of the general recommendation.

Other general recommendations

666. The Committee also discussed other plans for preparation of general recommendations. While it was up to individual experts to undertake background work on particular topics, the Committee agreed that its priority was on completion of the two general recommendations on migrant women, and on article 2, respectively.

Chapter VIII

Provisional agenda for the thirty-eighth session

667. The Committee considered the draft provisional agenda for its thirty-eighth session at its 773rd meeting, on 2 February 2007, and approved the following provisional agenda for the session:

1. Opening of the session.
2. Adoption of the agenda and organization of work.
3. Report of the Chairperson on activities undertaken between the thirty-seventh and thirty-eighth sessions of the Committee.
4. Consideration of the reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women.
5. Implementation of article 21 of the Convention on the Elimination of All Forms of Discrimination against Women.
6. Ways and means of expediting the work of the Committee.
7. Activities of the Committee under the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.
8. Provisional agenda for the thirty-ninth session.
9. Adoption of the report of the Committee on its thirty-eighth session.

Chapter IX

Adoption of the report

668. The Committee considered the draft report on its thirty-seventh session (CEDAW/C/2007/I/L.1 and addenda) at its 773rd meeting (see CEDAW/C/SR.773) and adopted it, as orally revised during the discussion.

Annex

Decision of the Committee on the Elimination of Discrimination against Women under the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women

Communication No. 11/2006*

Submitted by:	Constance Ragan Salgado
Alleged victim:	The author
State party:	United Kingdom of Great Britain and Northern Ireland
Date of communication:	11 April 2005 (initial submission)
Document references:	Transmitted to the State party on 15 February 2006 (not issued in document form)

The Committee on the Elimination of Discrimination against Women, established under article 17 of the Convention on the Elimination of All Forms of Discrimination against Women,

Meeting on 22 January 2007

Adopts the following:

Decision on admissibility

1.1 The author of the communication dated 11 April 2005 is Constance Ragan Salgado, a British citizen born on 24 November 1927 in Bournemouth, United Kingdom of Great Britain and Northern Ireland, currently residing in Bogotá, Colombia. She claims to have been a victim of violations by the United Kingdom of Great Britain and Northern Ireland of articles 1, 2 (f) and 9, paragraph 2, of the Convention on the Elimination of All Forms of Discrimination against Women by having been prevented from transmitting her British nationality to her eldest son by descent. The author is representing herself. The Convention and its Optional Protocol entered into force for the State party on 7 May 1986 and 17 March 2004, respectively.

The facts as presented

2.1 In 1954, the author left England to make her home in Colombia with her husband. On 16 September 1954, the author's eldest son, Alvaro John Salgado, was born in Colombia of a Colombian father. At that time, the author made an application to the United Kingdom Consulate to obtain British nationality for her son and was told that the entitlement to British nationality came through the paternal line; as his father was Colombian, her son was considered an alien.

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* The following members of the Committee participated in the examination of the communication: Ferdous Ara Begum, Magalys Arocha Dominguez, Meriem Belmihoub-Zerdani, Saisuree Chutikul, Dorcas Coker-Appiah, Mary Shanthi Dairiam, Cees Flinterman, Naela Mohamed Gabr, Françoise Gaspard, Hazel Gumede Shelton, Ruth Halperin-Kaddari, Tiziana Maiolo, Violeta Neubauer, Pramila Patten, Silvia Pimentel, Fumiko Saiga, Heisoo Shin, Glenda P. Simms, Dubravka Šimonović, Anamah Tan, Maria Regina Tavares da Silva, Zou Xiaoqiao.

2.2 The British Nationality Act 1981 ("the 1981 Act"), which entered into force in 1983, amended previous nationality legislation and conferred equal rights to women and men in respect of the nationality of their children under the age of 18. The author was told that her son still did not qualify for British citizenship under the 1981 Act. The author protested by letter to the British Consul and to the Home Office, claiming that, had her son claimed British nationality through a British father instead of through her, no age limit would have applied to him.

2.3 British nationality legislation again changed when the Nationality, Immigration and Asylum Act 2002 ("the 2002 Act") entered into force on 30 April 2003 and added section 4C to the 1981 Act ("Acquisition by Registration: Certain persons born between 1961 and 1983"). Children — by now adults — born abroad between 7 February 1961 and 1 January 1983 of British mothers would now be eligible to register as British nationals if they satisfied certain other conditions.

2.4 In early 2003, the British Consul in Bogotá contacted the author to enquire as to whether she had any children born after 7 February 1961. She replied that her youngest son was born in 1966 and had acquired British nationality, but that her eldest son still had not. She was told that he did not qualify due to the fact that he was born before the cut-off date established under the 2002 Act.

The complaint

3.1 The author alleges that she suffered sex-based discrimination on account of the British Nationality Act 1948 ("the 1948 Act"), under which she was unable to register her son as a British national because the 1948 Act provided for citizenship by descent from a father but not from a mother. She claims that the discrimination has been continuous because it was neither eliminated under the 1981 Act nor under the 2002 Act and her son remains ineligible to acquire British nationality by registration on account of his age. The author maintains that discrimination against women has only been partially corrected through legislation.

3.2 The author claims that, although women are supposed to be able to transmit their citizenship to any children born abroad "on equal terms with men", she has continued to be unable to do so, because children who were already adults before 1981 are not covered under current legislation. She maintains that the 2002 Act discriminates against her and other British mothers whose children, having foreign fathers, were born abroad before 7 February 1961.

3.3 All of the author's efforts to obtain citizenship for her eldest son have been to no avail. She has sent letters to various government officials, including the British Embassy in Bogotá and the Home Office, as well as to the Prime Minister and a number of Members of Parliament.

The State party's observations on admissibility

4.1 By its submission of 13 April 2006, the State party requests that the communication be rejected as inadmissible. It notes that the United Kingdom ratified the Convention, subject to certain reservations, on 7 April 1986, and that the Committee's jurisdiction to receive and consider this communication in relation to alleged violations of the rights set out in the Convention derives from the State party's accession to the Optional Protocol to the Convention with effect from 17 December 2004.

4.2 As to the facts, the State party states that there is no indication of the nature of the application that the author made to the United Kingdom Consulate in Bogotá in 1954, but from the summary contained in the communication, it appears to have been no more than a request for recognition of the British citizenship of Alvaro John Salgado on the basis of his birth as the son of a mother who was a British citizen. This application could not have succeeded as a matter of the domestic law in force at that time.

4.3 Following repeated approaches to the United Kingdom Government, whether through its embassy or consulate in Bogotá or directly, the State party points out that the author has been informed that her eldest son remains ineligible for registration as a British citizen on the basis of having been born to a mother who had British citizenship.

4.4 According to the State party, there is no evidence to suggest that the author has ever sought to challenge any of these decisions through the English courts and the State party is not aware of any such proceedings having been brought by the author.

4.5 As regards relevant domestic law, the State party holds that, as a matter of general principle, under English law the acquisition of British citizenship by birth or descent is determined by reference to the individual's circumstances at the time of his or her birth and by reference to the law in force at the time of his or her birth. Exceptions would have to be expressly provided for in subsequent legislation.

4.6 The State party explains that, at the time of the birth of the author's eldest son, i.e., 16 September 1954, British nationality law was governed by the 1948 Act. Under section 5 of the 1948 Act, a person born after the commencement of the Act (subject to a number of exceptions) had a right to British citizenship by descent if his or her father was a British citizen at the time of birth. This automatic right by descent was not available to persons whose mother was a British citizen at the time of birth. The 1948 Act provided other means of acquiring British citizenship. Minor children of any British citizen could also be registered as a British citizen upon application made in the prescribed manner by a parent or guardian at the discretion of the Secretary of State of the Home Department, who, in principle, would have exercised his discretion in line with Departmental policy at the time. Naturalization was subject to a number of conditions, including that the applicant was of full age and capacity.

4.7 The State party states that, in the mid- to late 1970s, the United Kingdom Government recognized the discriminatory impact of section 5 of the 1948 Act and, as a result, the (then) Home Secretary, Merlyn Rees, announced to the House of Commons on 7 February 1979 a transitional policy change with regard to applications by women who were born in the United Kingdom to have their minor children registered as British citizens. This general and transitional policy would apply to anyone under the age of 18 on the date that the new policy was announced (i.e., any child born to a British citizen mother after 7 February 1961).

4.8 The State party further explains that, on 1 January 1983, the 1981 Act entered into force and repealed the provisions of the 1948 Act. Section 2 (1) of the 1981 Act made provision for acquisition of citizenship by descent from either parent under certain conditions. The 1981 Act was further amended by section 13 of the 2002 Act. The amendment introduced section 4C into the 1981 Act, which gave persons who were covered by the policy announced on 7 February 1979 a statutory entitlement to register as British citizens. The effect of the new provision was that they were able to apply for registration even after they had attained the age of majority; the applicant had to have been born after 7 February 1961 and before 1 January 1983. These two dates reflect the fact that the policy announced on 7 February 1979 applied to persons born after 7 February 1961 and that 1 January 1983 was the date on which the 1981 Act came into force, from which time a mother who was a British citizen could transmit her citizenship in the same way as a British citizen father.

4.9 As regards inadmissibility *ratione temporis*, the State party states that the author complains that the United Kingdom violated her rights under article 9 (2) of the Convention and that she rightly draws the Committee's attention to the definition of discrimination against women in article 1 of the Convention and the obligation assumed under article 2 (f). The State party submits that, in order to determine whether the communication is inadmissible *ratione temporis*, it is important to consider with care the actual content of the complaint that is being made. The author complains that, in relation to her son born in 1954, she does not enjoy equal rights with men in relation to the passing on of her nationality to that son. She clearly did enjoy such equal treatment in relation to her younger son. As a result, the State party states that it is important to consider what rights, as a matter of domestic law, men have (or had) in relation to passing on their nationality to their children in relation to which women did not have "equal rights".

4.10 The State party clarifies that, under section 5 of the 1948 Act, children of British citizen fathers would be automatically, as from the time of their birth, British citizens by descent, while the children of British citizen mothers (whose father was not also British) did not enjoy such a right. The change in policy of 7 February 1979 did not provide any further rights for men in relation to the nationality of their children. On the contrary, it sought to modify, long before the United Kingdom ratified the Convention, existing practice in order to mitigate the effects of what was recognized as discrimination against women in the operation of the 1948 Act. The 1981 Act also did not provide any different rights for men in relation to the nationality of their children. Finally, section 4C of the 1981 Act, introduced by the 2002 Act, also provided no new or different rights for men in relation to the nationality of their children, but rather made statutory provision for persons born to British mothers, who were covered by the change in policy of 7 February 1979. As a result, it is submitted that the author's complaint can only be directed at the right provided under section 5 of the 1948 Act (at that time for men only) to pass on their nationality to their child born abroad automatically at the time of their birth. In temporal terms, the critical date, therefore, is the date of birth of the author's eldest son, namely 16 September 1954, i.e., long before the Convention was adopted by the General Assembly or came into force, and even longer before the United Kingdom ratified the Convention and/or acceded to the Optional Protocol. This would also be in line with the general principle underlying United Kingdom nationality law and the nationality law of most States, namely that a person's entitlement to acquisition of (British) citizenship by birth or descent is determined by reference to that person's circumstances and the law applicable at the time of their birth. Reference to the child's date of birth (or at the very least, the period of time during which the child can still be described as such) is also clearly in line with the wording of article 9 (2) of the Convention, which expressly relates to equal rights for women in relation to the nationality of their children. This reference to "children" must be read in line with the use of the term in other relevant international (human rights) instruments, such as article 24 (3) of the International Covenant on Civil and Political Rights; article 7 (1) of the United Nations Convention on the Rights of the Child; and articles 6 (1) and (2) of the European Convention on Nationality. In the United Kingdom, the age of majority was, at all material times, 18 years.

4.11 The State party further submits that, at the very least, from the date on which the author's eldest son achieved his majority, i.e., 16 September 1972, the author ceased to be the "victim" of the denial of British citizenship to her oldest son. As a general rule, it is only while a person is still a child that he should be able to benefit from a parent's citizenship; once a person has attained the age of majority, any application for citizenship should be based on the child's own personal connections with a country rather than through the child's mother's connections. Section 4C of the 1981 Act is very much an exception to this general rule and applies to a very limited category of persons. Therefore, any complaint about the continuing failure to recognize or register the author's eldest child as a British citizen would have to be brought by him.

4.12 The State party maintains that this analysis would not be undermined by a suggestion, if it were made, that the author has repeatedly and unsuccessfully sought the registration of her eldest son as a British citizen, whether under section 7 of the 1948 Act as applied following the announcement of the change of policy on 7 February 1979 or under the 1981 Act. Any refusal to register the author's eldest child under those provisions could not, by itself, form the basis of a complaint that the author has not been granted "equal rights with men", because none of these provisions are addressed to or provide specific rights for men. In any event, it is not clear that the author ever made an application for registration in relation to her eldest son at any time while he was still a child and, if so, that she pursued the available domestic remedies in the English courts.

4.13 The State party submits that, for these reasons, it cannot be said that this is a case in which "the facts that are the subject of the communication continued after that date", i.e., of entry into force of the Optional Protocol for the United Kingdom; nor can it be said that the latest correspondence gives rise to a new violation. While the consequences of the difference in treatment experienced by the author in 1954 (or between 1954 and 1972) subsist in that the author's son remains without British citizenship, the State party also submits that the situation as it relates to the son's nationality does not, by itself, constitute a continuing or new violation of the author's rights under article 9 (2) of the Convention.[a]

4.14 As regards exhaustion of domestic remedies, the State party states that article 4 (1) of the Optional Protocol requires the exhaustion of all available domestic remedies. The State party submits that this requires the author to have made "use of all judicial or administrative avenues that offer [her] a reasonable prospect of success".[b] There is no indication in the author's communication that, at the relevant time (in 1954 or between 1954 and 1972), she ever made an application for registration of her eldest son as a British citizen under section 7 (1) of the 1948 Act, an option that was clearly open to her. Furthermore, any refusal of such an application could and should have been challenged by way of judicial review in the High Court, which body exercised then and continues to exercise a supervisory jurisdiction over the exercise of statutory functions and/or the exercise of discretion by public authorities, including the Home Office in relation, inter alia, to decisions concerning questions of acquisition of nationality. The High Court, in exercising that jurisdiction, had and continues to have the power to quash decisions and/or make mandatory orders requiring a different decision to be made where it concludes that the public authority has acted unlawfully or irrationally. While the Convention had not been concluded at that stage, it would have been open to the author to challenge any refusal to exercise the discretion under section 7 (1) of the 1948 Act in favour of her eldest son on the basis that it was unreasonable under domestic law. She might have referred to the European Convention on Human Rights, which formed an international obligation to which the United Kingdom was subject and which would have been relevant to the exercise of statutory discretion.

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[a] Reference is made by analogy to the following two decisions of the Human Rights Committee: communication No. 174/1984 J. K. v Canada (CCPR/C/23/D/174/1984) and communication No. 872/1999 Kurowski v Poland (CCPR/C/77/D/872/1999).

4.15 The State party submits that the test for an effective remedy cannot be whether a complaint would have been successful or not but rather whether there is a procedure available in the domestic system capable of considering and, if persuaded of the merits, providing a remedy without the need for recourse to the Committee.[c] If the Committee were to consider, contrary to the above submissions, that the matter complained of by the author amounts not to a continuing violation but to a fresh violation which is not inadmissible *ratione temporis*, the State party maintains that the complaint would be equally inadmissible by reason of the author's failure to have exhausted all available domestic remedies. While there is ample evidence that the author has sought to exhaust the available administrative remedies (and any legislative redress, through her communications with the United Kingdom Government and sympathetic members of Parliament), she has wholly failed to exhaust the judicial remedies available.[d] The State party further maintains that the rule that local remedies must be exhausted before international proceedings may be instituted is also a well-established rule of customary international law. The rule reflects the view that "the State, where a violation occurred, should have an opportunity to redress it by its own means, within the framework of its own domestic legal system" (International Court of Justice in the *Interhandel* Case, ICJ Reports, 1959, p. 6 (27)).

4.16 The State party also maintains that the rules of international law emphasize the high test of ineffectiveness of possible remedies which must be found to exist before the general requirement of exhaustion of domestic remedies will be held no longer to apply.[e] The author could and should have brought proceedings under the Human Rights Act 1998 to challenge the lawfulness of the continuing refusal to register her eldest son as a British citizen.

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[b] The State party quotes from communication No. 437/1990 Patiño v Panama (CCPR/C/52/D/437/1990) and refers to communication No. 942/2000 Jonassen et al. v Norway (CCPR/C/76/D/942/2000).

[c] The State party refers to the European Court of Human Rights application No. 18304/05 Nykytina v United Kingdom and suggests that the case applies mutatis mutandis in relation to the present communication.

[d] The State party refers to the jurisprudence on the matter of the Human Rights Committee, in particular, to communication No. 222/1987 H. K. v France (CCPR/C/37/D/222/1987) and to jurisprudence of the European Court of Human Rights, including Fressoz and Roire v France [GC] No. 29183/95, paragraph 37, ECHR 1999-I; Kudla v Poland [GC], No. 30210/96, paragraph 152, ECHR 2000-XI; and Banfield v UK, app. No. 6223/04, decision of 18 October 2005.

4.17 The State party states that if, and insofar as the High Court were to find a violation of the author's rights under the European Convention, the High Court would have had two options: either to seek to construe the 1981 Act in a manner compatible with the author's or her son's rights under the European Convention on Human Rights; or to make a declaration of incompatibility under section 4 of the Human Rights Act 1998. The latter option enables the United Kingdom Government to take swift remedial action. The State party further states that, while it is impossible to assess with any certainty whether such an application to the High Court would, in the end, be successful, there can be no suggestion that such access to the High Court does not amount to an effective remedy which the author is required to have exhausted.

4.18 The State party also puts forward that the communication is inadmissible because it is manifestly ill-founded. Upon ratification of the Convention, the United Kingdom entered the following reservation in relation to article 9:

> The British Nationality Act 1981, which was brought into force with effect from January 1983, is based on principles which do not allow of any discrimination against women within the meaning of article 1 as regards acquisition, change or retention of their nationality or as regards the nationality of their children. The United Kingdom's acceptance of article 9 shall not, however, be taken to invalidate the continuation of certain temporary or transitional provisions which will continue in force beyond that date.

The State party considers that the continuing consequences of the application of section 5 of the 1948 Act, which is at the heart of the communication, clearly falls within the "temporary and transitional provisions" contained in the 1981 Act. As a consequence, the effect of the reservation is that the United Kingdom incurs no responsibility under the Convention. The State party refers to the statement on reservations to the Convention of the Committee on the Elimination of Discrimination against Women, published as part of its report on its nineteenth session (see A/53/38/Rev.1). The State party considers that certain passages in that statement rightly reflect the position under international law, and in particular articles 19-23 of the Vienna Convention on the Law of Treaties, that it is for the States parties rather than the Committee to make binding determinations of whether a reservation entered by another State party is impermissible as being incompatible with the object and purpose of the Convention. The State party submits that the reservation to article 9 cannot be classified as "incompatible with the object and purpose of the present Convention" so as to be prohibited by article 28 (2) of the Convention. The State party considers it noteworthy that none of the other States parties to the Convention has sought to object to or challenge the compatibility of this reservation with the object and purpose of the Convention; nor has the Committee, other than through its general expression of concern about the number of reservations to the Convention contained in its general recommendations 4, 20, and 21 (paras. 41-48) and its statement on reservations, in its concluding comments on the United Kingdom raised any specific concerns about this reservation to article 9. As a consequence, the State party argues that the present communication, insofar as it is not inadmissible for any of the reasons set out above, is manifestly ill-founded because its subject matter falls squarely within the reservation entered by the United Kingdom upon ratification.

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[e] The State party refers to C. F. Amerasinghe's *Local Remedies in International Law* (1990), p. 195; and Oppenheim's *International Law* (9th edition), p. 525.

4.19 For the reasons set out above, the State party submits that the communication is inadmissible under article 4 (1) and/or article 4 (2) of the Optional Protocol; and insofar as that is relevant, at the very latest through the adoption of the 1981 Act, the United Kingdom has fulfilled its obligations under article 9 (2) read with articles 1 and 2 (f) of the Convention.

The author's comments on the State party's observations on admissibility

5.1 By her submission of 29 May 2006, the author reiterates her contention that her communication should be considered admissible as the facts that are the subject of the communication clearly continued after the entry into force of the Optional Protocol for the State party concerned inasmuch as the discrimination was once again made obvious on 7 February 2006 at the second reading of the Nationality, Immigration and Asylum Act 2006, when amendment 67, which mentioned her name as well as others and would have lifted the discrimination against them, was denied.

5.2 The author points out that the "temporary or transitional provisions" mentioned in the reservation of the United Kingdom have lasted for more than 20 years. The author is of the view that the temporary or transitional provisions ought to have been repealed with the 2002 Act or in 2006. She adds that the Government has deliberately blocked the legal route to redress by way of the reservation vis-à-vis those British mothers with children born before 1961 of foreign fathers.

5.3 The author maintains that the State party has not gone as far as it reasonably and practicably could to address the fact that persons, such as her son, are still unable to acquire British citizenship through the maternal line.

5.4 The author points out that the 1981 Act acknowledged the right of minor children born abroad after 7 February 1961 to British mothers (and foreign fathers) to register as British citizens. She maintains that once the Government acknowledged the right of selfsame persons to register as British citizens as adults under the 2002 Act, the cut-off date of 7 February 1961 was no longer relevant. If it was unjust and discriminatory to deny some children (who had now reached the age of majority) born abroad to British mothers the right to apply for registration, it would be equally unjust and discriminatory to deny the same right to others. The author wonders why the same right of registration could not be given to those adults who had previously been discriminated against under the 1981 Act.

5.5 The author disputes that nationality is determined by applying the legislation in force at the time of the individual's birth inasmuch as certain persons were able to register through their mothers in 1981 under the 1981 Act and on their own behalf as adults in 2002.

5.6 The author concedes that the 1981 Act partially corrected the sex discrimination which had historically existed by recognizing the right, as from that date, for women to pass on their nationality to their children on equal terms with men. However, it created new discrimination between certain mothers, those with children born before 1961 and those with children born after 1961. She submits that the discrimination was retained under the 2002 Act because those children who were born after 1961, whose mothers had failed to register them as minors, were able to do so as adults.

5.7 The author questions the fairness of nationality legislation that has not been made retroactive at least for those people who are still alive and affected by it and compares the situation with the Act abolishing slavery under which all slaves were freed. She believes that there should be a legitimate aim before a difference in treatment can be justified and wonders what that legitimate aim could be to single out one group of mothers. While the author recognizes that no Government can redress all the injustices of history and past generations, she thinks that it is any Government's obligation to redress those injustices which are within their capabilities, such as the present-day discrimination against living people, particularly if formal commitments, such as the Human Rights Act and the Convention on the Elimination of All Forms of Discrimination against Women, have been made by that Government to the rest of the world. She furthermore submits that the only possible excuse for a State not to fulfil its human rights obligations to its citizens would perhaps be overwhelmingly damaging consequences for the country (which is certainly not perceived as being the case) and, if this were so, the Government would have the moral duty to explain such consequences fully and satisfactorily.

5.8 The author maintains that a mother has a fundamental human right to pass on her nationality to her child on equal terms with men and with other mothers, whether that child be a minor or an adult, particularly as the same right has already been recognized for other persons, as minors and as adults, by two different nationality acts. She considers all continuing injustices, predicated or defended on the grounds that they were legal when they originated, unacceptable.

Additional comments of the State party on admissibility

6.1 By its submission of 21 July 2006, the State party continues to rely on its submissions on admissibility made on 13 April 2006.

6.2 The State party notes that the author has not expressly sought to engage with or dispute the State party's submission regarding the following: that the communication is inadmissible *ratione temporis*, by reason of the fact that, at the very least from the date on which the author's eldest son achieved his majority on 16 September 1972 (i.e., well before the adoption of the Convention by the General Assembly and, a fortiori, well before the State party's ratification of the Convention), the author had ceased to be a victim; that the communication is inadmissible by reason of her failure to exhaust all available domestic remedies; and/or that the provisions of the continuing consequences of section 5 of the 1948 Act are clearly covered by the actual terms of the reservation entered by the State party upon ratification of the Convention. The State party submits that any one of the first two grounds alone or these grounds in combination are sufficient to render this communication inadmissible.

6.3 The State party states that the author's comments appear to have focused primarily on the assertion that the legislative provisions covered by the reservation have been more than "temporary" but have been "prolonged for more than

20 years", and on the implicit invitation to the Committee to rule that the reservation is impermissible and invalid.

6.4 The State party furthermore argues that the author's comments ignore the fact that the reservation refers to certain temporary and transitional provisions which will continue in force beyond January 1983 and that the continued consequences of section 5 of the 1948 Act clearly fall within the definition of such a temporary, and more importantly, transitional provision. The State party explains that the word "transitional" is intended to refer to measures in place until the transfer from an "old" to a "new" regime has been completed, and not merely to provisions that remain in place until appropriate legislative changes can be made. Section 5 of the 1948 Act is the sole remnant of the old regime following the transition to the new, non-discriminatory regime set up under the 1981 Act. The State party further submits that, ever since the introduction of the 1981 Act, women have been able to pass their nationality to their newborn children in the same way as men have.

6.5 Moreover, the State party submits that the author's comments ignore the position that, as a matter of international law, the Committee is not competent to make binding determinations of whether the reservation is impermissible owing to incompatibility with the object and purpose of the Convention; and the State party's submissions that the reservation is, in any event, not incompatible with the object and purpose of the Convention.

Additional comments of the author on admissibility

7.1 By her submission of 9 August 2006, the author reiterates that her communication should not be declared inadmissible *ratione temporis*. She claims that the nationality law in force at the time of her son's birth in 1954 was discriminatory and that the current nationality law is discriminatory and that she is indeed still a victim.

7.2 As regards the exhaustion of all available domestic remedies, the author claims that, by making repeated applications for the citizenship of her eldest son since his birth through the British Consulate, the Home Office, correspondence with government officials and legal advisers, she has exhausted all those remedies available to her. Her complaint was even presented in the House of Lords debate as recently as 7 February 2006 and was firmly rejected. She further asserts that, in order to obtain the justice she seeks, the law has to be changed. She maintains that the avenue of judicial procedure is a long and complicated route and would present for her, at her age and with her resources, an enormous and impossible task far beyond her capabilities and energies; to challenge an Act of Parliament and all that it implies is an impossible mission for her to carry out. She states that she could easily exhaust what is left of her life seeking to exhaust all available domestic remedies and still arrive at nothing. She sought the help of the Committee for this reason.

7.3 As regards the provisions of the continuing consequences of section 5 of the 1948 Act being clearly covered by the reservation, the author finds it hard to imagine that any continuing violation of human rights can be maintained indefinitely on grounds that a reservation exists to allow it. She would like to assume that this was not the interpretation intended when the reservation was originally made.

7.4 The author argues that the State party is relying on semantics when it refers to the meaning of "temporary" and "transitional". The author's interpretation is that anything declared "temporary" and "transitional" will eventually be reviewed and changed. She claims that the State party took the route of solving the injustice by waiting it out until all the people who are suffering the injustice become irrelevant by death and, as a consequence, the problem is solved by its disappearance — rather than by extirpating the old remnant of medieval legislation which discriminated against old ladies and their adult children both in reference to men and to other women. She considers this route to be contrary to the object and purpose of the Convention as well as to official statements made publicly by the State party to the effect that discrimination has no place in British society.

7.5 The author submits that the Committee is competent to make binding determinations on whether the reservation entered by the State party upon ratification was impermissible and invalid and she also submits that the reservation is indeed incompatible with the object and purpose of the Convention.

Issues and proceedings before the Committee concerning admissibility

8.1 In accordance with rule 64 of its rules of procedure, the Committee shall decide whether the communication is admissible or inadmissible under the Optional Protocol.

8.2 In accordance with rule 66 of its rules of procedure, the Committee may decide to consider the question of admissibility and merits of a communication separately.

8.3 The Committee has ascertained that the matter has not already been or is being examined under another procedure of international investigation or settlement.

8.4 In accordance with article 4, paragraph 2 (e), of the Optional Protocol, the Committee shall declare a communication inadmissible where the facts that are the subject of the communication occurred prior to the entry into force of the present Protocol for the State party concerned unless those facts continued after that date. The Committee observes that the Optional Protocol entered into force for the United Kingdom of Great Britain and Northern Ireland on 17 March 2004. The Committee considers that the alleged discrimination complained of originated at the time of the birth of the author's eldest son (16 September 1954), well before the Optional Protocol or even the Convention were adopted. In those days, British nationality law did not grant women — the author included — the right to pass on British citizenship to their children, whereas their husbands, had they been British, would have had such a right. The Committee notes that on 7 February 1979 there was a change in government policy, which allowed applications by British women to have their minor children born on or after 7 February 1961 registered as British citizens. As a result of this change, the author acquired the right to pass on her nationality in 1980 through registration to her youngest son, who was born in 1966 and was still a minor, whereas she was unable to do so for her eldest son, who remained ineligible on account of his age. Bearing this in mind, the Committee considers that the relevant facts of the case, i.e., the alleged discrimination against the author as manifested in her inability, as compared to a British male citizen, to pass on her nationality to her eldest son (as opposed to any discrimination against her eldest son) stopped on the date on which her son achieved his majority, i.e., 16 September 1972. After that date, her son had a primary right to either retain his acquired nationality or to apply for the nationality of another State, subject to the conditions set by that State. More generally, such discrimination against the author and other women stopped on 7 February 1979 with the new government policy. Both dates precede the entry into force of the Optional Protocol. The Committee, therefore, concludes that the communication is inadmissible *ratione temporis*.

8.5 In accordance with article 4, paragraph 1 of the Optional Protocol, the Committee shall not consider a communication unless it has ascertained that all available domestic remedies have been exhausted, unless the application of such remedies is unreasonably prolonged or unlikely to bring effective relief. The Committee notes the State party's unchallenged assertion that, at the relevant time, i.e., in 1954 or between 1954 and 1972, the author never made an application for registration of her eldest son as a British citizen under section 7(1) of the 1948 Act and that, had she done so, any refusal of such an application could have been challenged by way of judicial review in the High Court, which body exercised then and continues to exercise a supervisory jurisdiction over the exercise of statutory functions and/or the exercise of discretion by public authorities. Neither has the author ever since 1972 challenged in the High Court the continuing refusal of the British authorities to grant her eldest son British nationality. In line with a longstanding jurisprudence of other international human rights treaty bodies, in particular the Human Rights Committee,[f] the Committee on the Elimination of Discrimination against Women considers that authors of communications are required to raise in substance before domestic courts the alleged violation of the provisions of the Convention on the Elimination of All Forms of Discrimination against Women, which enables a State party to remedy an alleged violation before the same issue may be raised before the Committee. The Committee on the Elimination of Discrimination against Women for this reason finds the present communication inadmissible under article 4, paragraph 1, of the Optional Protocol.

8.6 The Committee sees no reason to find the communication inadmissible on any other grounds.

8.7 The Committee therefore decides:

(a) That the communication is inadmissible under article 4, paragraph 2 (e), of the Optional Protocol because the disputed facts occurred prior to the entry into force of the Optional Protocol for the State party and did not continue after that date and under article 4, paragraph 1, of the Optional Protocol because of the author's failure to exhaust domestic remedies;

(b) That this decision shall be communicated to the State party and to the author.

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[f] See for example communication Nos. 222/1987 *M. K. v France*, 1356/2005 *Antonio Parra Corral v Spain* and 1420/2005 *Eugene Linder v Finland*.

Part two
Report of the Committee on the Elimination of Discrimination against Women on its thirty-eighth session

Chapter I

Matters brought to the attention of States parties

Decision

Decision 38/I

At its thirty-ninth session, the Committee will adopt a decision pertaining to extension of its meeting time. A statement of programme budget implications pertaining to this decision will also be before the Committee at its thirty-ninth session.

Chapter II
Organizational and other matters

A. States parties to the Convention on the Elimination of All Forms of Discrimination against Women and to the Optional Protocol

1. As at 1 June 2007, the closing date of the thirty-eighth session of the Committee on the Elimination of Discrimination against Women, there were 185 States parties to the Convention on the Elimination of All Forms of Discrimination against Women, which was adopted by the General Assembly in its resolution 34/180 and opened for signature, ratification and accession in New York in March 1980. In accordance with article 27, the Convention entered into force on 3 September 1981. Forty-nine States parties had accepted the amendment to article 20, paragraph 1, of the Convention concerning the Committee's meeting time.

2. On the same date, there were 88 States parties to the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, which was adopted by the General Assembly in its resolution 54/4 and opened for signature, ratification and accession in New York on 10 December 1999. In accordance with article 16, the Optional Protocol entered into force on 22 December 2000.

3. A list of States parties to the Convention, a list of States parties that have accepted the amendment to article 20, paragraph 1, concerning the Committee's meeting time, and a list of States parties that have signed, ratified or acceded to the Optional Protocol to the Convention are contained in annexes I to III to part three of the present report.

B. Opening of the session

4. The Committee held its thirty-eighth session at United Nations Headquarters from 14 May to 1 June 2007. The Committee held 18 plenary meetings (774th to 791st). The Committee also held 10 meetings to discuss agenda items 5, 6, 7 and 8. A list of the documents before the Committee is contained in annex IV to part three of the present report.

5. The Assistant Secretary-General and Special Adviser to the Secretary-General on Gender Issues and Advancement of Women, Rachel Mayanja, addressed the Committee at its 774th meeting.

C. Adoption of the agenda and organization of work

6. The Committee considered the provisional agenda (CEDAW/C/2007/II/1 and Corr.1) at its 774th meeting. The agenda was adopted as follows:

1. Opening of the session.
2. Adoption of the agenda and organization of work.
3. Report of the Chairperson on activities undertaken between the thirty-seventh and thirty-eighth sessions of the Committee.

4. Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women.

5. Implementation of article 21 of the Convention on the Elimination of All Forms of Discrimination against Women.

6. Ways and means of expediting the work of the Committee.

7. Activities of the Committee under the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.

8. Provisional agenda for the thirty-ninth session of the Committee.

9. Adoption of the report of the Committee on its thirty-eighth session.

D. Report of the pre-session working group

7. At the 774th meeting, Maria Regina Tavares da Silva introduced the report of the pre-session working group. The pre-session working group for the thirty-eighth session of the Committee met from 31 July to 4 August 2006 (CEDAW/PSWG/2007/I/CRP.1), and additional lists of issues and questions for the thirty-eighth and thirty-ninth sessions were prepared by the working group, which met from 5 to 9 February 2007 (CEDAW/PSWG/2007/II/CRP.1).

E. Organization of work

8. At the 774th meeting, the Chief of the Women's Rights Section, Division for the Advancement of Women, Christine Brautigam, introduced reports provided under agenda item 5, Implementation of article 21 of the Convention (CEDAW/C/2007/II/3 and Add.1, 3 and 4), and agenda item 6, Ways and means of expediting the work of the Committee (CEDAW/C/2007/II/4 and CEDAW/C/2007/II/2).

9. On 14 May 2007, the Committee held closed meetings with representatives of the specialized agencies and bodies of the United Nations, in which country-specific information and information on the efforts made by the body or entity concerned to promote the provisions of the Convention at the national and regional levels through its own policies and programmes was provided.

10. On 14 and 21 May, the Committee held informal public meetings with representatives of non-governmental organizations, who provided information about the implementation of the Convention in States parties reporting at the thirty-eighth session: Mauritania, Mozambique, Niger, Pakistan, Serbia, Sierra Leone, the Syrian Arab Republic and Vanuatu.

F. Membership of the Committee

11. The Committee took note of the resignation, on 7 May 2007, of Hazel Gumede Shelton. In accordance with article 17, paragraph 7, of the Convention on the Elimination of All Forms of Discrimination against Women, the State party whose

expert has ceased to function as a member of the Committee shall appoint another expert from among its nationals, subject to the approval of the Committee. Accordingly, on 9 May 2007, South Africa nominated Mavivi Myakayaka-Manzini to fill the casual vacancy created by the resignation of Ms. Gumede Shelton. The Committee agreed to proceed in accordance with article 17, paragraph 7 of the Convention intersessionally, upon receipt of the curriculum vitae of Mavivi Myakayaka-Manzini.

12. A list of members of the Committee, indicating the duration of their terms of office, is contained in annex V to part three of the present report. The following experts attended the session as indicated: Naela Gabr from 21 May to 1 June; Ruth Halperin-Kaddari from 14 to 20 May and 24 to 31 May; Tiziana Maiolo from 22 to 25 May; and Xiaoqiao Zou from 14 to 25 May. Cornelius Flinterman, who attended a meeting at Geneva on behalf of the Committee on 15 and 16 May 2007, attended the session from 18 May 2007 onwards.

Chapter III

Report of the Chairperson on the activities undertaken between the thirty-seventh and thirty-eighth sessions

13. At the 774th meeting, the Chairperson presented her report on the activities she had undertaken since the thirty-seventh session.

Chapter IV

Consideration of reports submitted by States parties under article 18 of the Convention

A. Introduction

14. At its thirty-eighty session, the Committee considered the reports of eight States parties submitted under article 18 of the Convention: the initial report of three States parties; the combined initial and second periodic reports of two State parties; the combined initial, second and third periodic reports of two State parties: and the combined initial, second, third, fourth and fifth periodic report of one State party.

15. The Committee prepared concluding comments on each of the States parties' reports considered. The Committee's concluding comments are set out below.

B. Consideration of reports of States parties

1. Initial reports

Mauritania

16. The Committee considered the initial report of Mauritania (CEDAW/C/MRT/1) at its 789th and 790th meetings, on 25 May 2007 (CEDAW/C/SR.789 and 790). The Committee's list of issues and questions is contained in CEDAW/C/MRT/Q/1, and the responses of Mauritania are contained in CEDAW/C/MRT/Q/1/Add.1.

Introduction

17. The Committee commends the State party for ratifying the Convention on the Elimination of All Forms of Discrimination against Women. It expresses its appreciation to the State party for its initial report, which in general followed the Committee's guidelines for the preparation of reports, was very informative and provided a candid picture of the situation of women in Mauritania, but which was overdue. The Committee also expresses its appreciation for the written replies to the list of issues and questions raised by the pre-session working group and for the oral presentation and responses to the questions posed by the Committee.

18. The Committee commends the State party for having sent a high-level delegation headed by the Minister for the Promotion of Women, the Child and the Family, and which included a balanced number of women and men representatives from ministries with responsibility for implementation of measures in the areas covered by the Convention. The Committee expresses its appreciation for the frank and constructive dialogue held between the delegation and the members of the Committee.

Positive aspects

19. The Committee commends the State party for its expressed commitment and political will to eliminate discrimination against women and adopt measures to ensure the implementation of the Convention.

20. The Committee notes the stated intention of the State party to withdraw its general reservation made upon ratification of the Convention.

21. The Committee welcomes the introduction of a 20 per cent quota for women on lists of candidates for municipal and parliamentary elections which, together with financial incentives for political parties, resulted in the election of 33 per cent women at the municipal level and 17.9 and 17.0 per cent women, respectively, to the Senate and the National Assembly.

22. The Committee welcomes the adoption of the Personal Status Code. It also commends the State party on making basic education compulsory for all children between the ages of 6 and 14.

Principal areas of concern and recommendations

23. **While recalling the State party's obligation to implement systematically and continuously all provisions of the Convention, the Committee views the concerns and recommendations identified in the present concluding comments as requiring the State party's priority attention between the present time and the time of submission of the next periodic report. Consequently, the Committee calls upon the State party to focus on those areas in its implementation activities and to report on the action taken and the results achieved in its next periodic report. It calls upon the State party to submit the present concluding comments to all relevant ministries and to Parliament so as to ensure their full implementation.**

24. While welcoming the State party's stated intention to withdraw its general reservation made upon ratification of the Convention, the Committee expresses its concern that this reservation is drawn so widely that it is contrary to the object and purpose of the Convention.

25. **The Committee urges the State party to complete as soon as possible the process of withdrawal of its general reservation, which is contrary to the object and purpose of the Convention.**

26. While the Committee notes with satisfaction that article 80 of the Constitution provides that any treaty to which Mauritania is a party has precedence over national legislation from the moment that the treaty in question is published, it is concerned about the status of the Convention and its actual implementation in the legal system. In that connection, the Committee notes with concern that the State party was not able to provide information on cases where the provisions of the Convention had been directly invoked in Court.

27. **The Committee calls upon the State party to intensify its efforts to raise awareness about the Convention among the general public and, especially, among public officials, the judiciary and the legal profession. The Committee also calls upon the State party to ensure that the Convention becomes an integral part of the legal education and training of judicial officers, including judges, lawyers and prosecutors, so that a legal culture supportive of women's equality with men and non-discrimination on the basis of sex will be firmly established in the country.**

28. The Committee is concerned that, although article 1, paragraph 2, of the State party's Constitution guarantees equality before the law to all citizens without

distinction as to origin, race, sex or social condition, there is no explicit definition of discrimination against women, in line with article 1 of the Convention, which prohibits direct and indirect discrimination, in the State party's legislation.

29. **The Committee recommends that the State party incorporate in its Constitution or in other appropriate legislation a definition of discrimination against women, encompassing both direct and indirect discrimination, in line with article 1 of the Convention. It further recommends that the State party ensure that the understanding of indirect discrimination encompasses sex-based discrimination as well as other, multiple forms of discrimination that women may face.**

30. The Committee is concerned that, while women's access to justice is provided for by law, their ability in practice to exercise that right and to bring cases of discrimination before the courts is limited by such factors as illiteracy, legal costs, lack of information about their rights and lack of assistance in pursuing their rights.

31. **The Committee requests the State party to remove impediments women may face in gaining access to justice, and to ensure that the judiciary is familiar with the Convention and the State party's obligations. The Committee urges the State party to provide legal aid services, implement legal literacy programmes and disseminate knowledge of ways to utilize available legal remedies against discrimination, as well as to monitor the results of such efforts. The Committee encourages the State party to seek assistance from the international community in order to implement measures that in practice will strengthen women's access to justice.**

32. While welcoming the upgrading of the national machinery for the advancement of women into a Ministry for the Promotion of Women, the Child and the Family, the Committee is concerned that the national machinery does not have enough authority, visibility or human and financial resources to effectively carry out its mandate to promote the advancement of women and gender equality. The Committee is also concerned that the Ombudsman and the Commission on Human Rights, Poverty Reduction and Integration lack gender sensitivity in carrying out their activities. It is further concerned about the insufficient coordination and cooperation among the Ministry, the Ombudsman and the Commission on Human Rights in regard to the promotion of gender equality and prevention and elimination of discrimination against women.

33. **The Committee recommends that the State party strengthen its national machinery for the advancement of women by clearly defining the mandates and responsibilities and the means for cooperation between the different mechanisms with responsibility for gender equality, and by allocating sufficient human and budgetary resources so as to ensure that they can fully and adequately perform all their functions. Those measures should in particular include providing capacity for better and more effective coordination among the various mechanisms on gender equality and for enhanced cooperation with civil society.**

34. The Committee notes the State party's insufficient understanding of the purpose of, and need for temporary special measures in accordance with article 4, paragraph 1, of the Convention. The Committee is concerned about the absence of

women in the judiciary and the limited participation of women in public administration, especially at decision-making levels.

35. **The Committee recommends that the State party use temporary special measures, in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25, as part of a necessary strategy towards the accelerated achievement of substantive equality for women, especially in the judiciary and the civil service, including the foreign service. It requests that the Government include information on the use of such temporary special measures, in relation to the various provisions of the Convention, and the impact of such measures, in its next periodic report. The Committee recommends that the commitment made by the candidates to the Presidency, in the charter for the promotion of women, to establish a minimum quota of 20 per cent of women in decision-making posts in the public administration be fully implemented by the State party.**

36. The Committee is concerned about the prevalence of a patriarchal ideology with firmly entrenched stereotypes and the persistence of deep-rooted adverse cultural norms, customs and traditions, including forced and early marriage, polygamy, the practice of female genital mutilation and forced feeding, that discriminate against women and constitute serious obstacles to women's enjoyment of their human rights.

37. **The Committee urges the State party to view culture as a dynamic dimension of the country's life and social fabric, subject to many influences over time and therefore to change. It urges the State party to be more proactive and to put into place without delay a comprehensive strategy, including clear goals and timetables, to modify or eliminate negative cultural practices and stereotypes that are harmful to and discriminate against women and promote women's full enjoyment of their human rights, in conformity with articles 2 (f) and 5 (a) of the Convention. It further urges the State party to undertake such efforts in collaboration with civil society organizations, women's groups and community and religious leaders. It also urges the State party to assess regularly progress made towards the achievement of established goals and requests the State party to report thereon in its next periodic report.**

38. While noting the 2005-2008 National Strategy for the Advancement of Women, the Committee is concerned about the implementation of the proposed monitoring system and the present lack of effective monitoring at all levels and sectors of Government.

39. **The Committee recommends that the State party assess the status of implementation of its strategy for the advancement of women and for gender mainstreaming. It encourages the State party to utilize fully the momentum and partnerships generated during the process of the preparation of its report under article 18 of the Convention and the Committee's present concluding comments to review the current strategy and further elaborate a comprehensive operational plan for the promotion of gender equality and advancement of women, encompassing all levels and sectors of Government. Such a strategy should cover legal, policy and programme measures and contain clear goals, benchmarks and timetables. It should also include mechanisms for regular and systematic monitoring and evaluation of progress in its implementation, including the development of indicators for assessing compliance with all the**

provisions of the Convention. It encourages the State party to seek the technical support of United Nations entities in the collection of data and the training of the national team responsible for the elaboration and implementation of such a plan.

40. The Committee regrets that the report did not provide sufficient statistical data, disaggregated by sex and ethnicity, on the practical realization of the principle of equality between women and men in all areas covered by the Convention. It also regrets that the report did not provide sufficient information on the impact and results achieved of legal and policy measures taken. It further regrets the absence of sufficient information and data on women with disabilities.

41. **The Committee requests the State party to include adequate statistical data and analysis, disaggregated by sex and ethnicity, and information on women with disabilities, in its next report so as to provide a full picture of the implementation of all the provisions of the Convention, in regard to all women. It also recommends that the State party regularly conduct impact assessments of its legislative reforms, policies and programmes to ensure that the measures taken lead to the desired goals, and that it inform the Committee about the results of these assessments in its next report.**

42. While welcoming the prohibition, in the Code of Criminal Procedure, of female genital mutilation for minors, the Committee is deeply concerned about the persistence and very high incidence of that harmful practice, which is a grave violation of girls' and women's human rights and of the State party's obligations under the Convention. The Committee notes the serious health complications for girls and women arising out of the practice of female genital mutilation and which, in some cases, may lead to death.

43. **The Committee urges the State party to raise awareness about the provision in the Code of Criminal Procedure that prohibits female genital mutilation for minors and to ensure its enforcement, including the prosecution and adequate punishment of offenders. It also urges the State party speedily to adopt the draft law that will specifically address female genital mutilation, mentioned by the State party's representative during the constructive dialogue. It urges the State party to strengthen its awareness-raising and education efforts, targeted at both men and women, with the support of civil society and religious leaders, to eliminate the practice of female genital mutilation and its underlying cultural justifications. It also encourages the State party to devise programmes for alternate sources of income for those who perform female genital mutilation as a means of livelihood. It calls upon the State party to address the health consequences of female genital mutilation and provide medical support to those affected by it. In this context, it also encourages the State party to seek technical assistance from the United Nations Population Fund and the World Health Organization.**

44. The Committee expresses concern about the lack of implementation of the legislation, as well as the lack of policies and programmes, to address violence against women. The Committee is particularly concerned about occurrences of domestic violence, rape, including marital rape, and all forms of sexual abuse of women, and about the persistence of patriarchal attitudes that consider the physical chastisement of family members, including women, acceptable. While noting the State party's assurance that the occurrence of forced feeding of young girls is

declining, the Committee remains concerned about this practice. The Committee further expresses concern about the lack of information and data in the report on the prevalence of different forms of violence against women.

45. **The Committee urges the State party to place the highest priority on implementing a comprehensive approach to address all forms of violence against women. It encourages the State party to make full use of the Committee's general recommendation 19 in such efforts and of the Secretary-General's in-depth study on all forms of violence against women. It urges the State party to raise public awareness through media and education programmes that all forms of violence against women, including domestic violence and forced feeding of girls, are unacceptable. The Committee calls upon the State party to train the judiciary, law enforcement officials, legal professionals, social workers and health providers with respect to violence against women so as to ensure that the perpetrators of violence against women are effectively prosecuted and punished with the required seriousness and speed and that effective and gender-sensitive support is provided to victims. It calls on the State party to enhance victims' access to legal redress and to establish support measures for victims of violence against women, including shelters and legal, medical and psychological support. The Committee requests the State party to provide information in its next report on the laws, policies and programmes in place to deal with all forms of violence against women and on the impact of such measures, as well as statistical data and trends concerning the prevalence of various forms of such violence.**

46. While appreciating the State party's efforts to combat the trafficking of women and girls and the exploitation of girls in domestic service, including the accession to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, the adoption of Act No. 025-2003 of 17 July 2003 on the suppression of trafficking in persons and the amended Labour Code which prohibits forced labour, the Committee remains concerned about the persistence of trafficking and the exploitation of women and girls in the country, in particular with respect to the economic exploitation and ill-treatment of young girls employed as domestic servants. The Committee is also concerned about remnants of slavery in parts of the country.

47. **The Committee requests the State party to accelerate its efforts aimed at the effective implementation and full enforcement of its legislation on the suppression of trafficking and on the prohibition of forced labour. Such efforts should, in particular, include the effective prosecution and punishment of traffickers. It also recommends that the State party increase the provision of assistance and support to women victims, as well as prevention efforts, by addressing the root causes of trafficking and by improving the economic situation of women so as to eliminate their vulnerability to exploitation and traffickers. It requests the State party to place priority on enhancing practical measures for the protection of girls employed as domestic servants from all forms of exploitation and abuse and to ensure that they can exercise their right to education. The Committee calls upon the State party to take steps to completely eliminate remnants of slavery.**

48. The Committee notes that certain provisions of the Mauritanian Nationality Code, especially article 13 of Act No. 61-112 of 12 June 1961, contradict article 9 of the Convention and continue to discriminate against Mauritanian women.

49. **The Committee requests the State party to amend the Mauritanian Nationality Code so as to bring it in conformity with article 9 of the Convention.**

50. While acknowledging some progress in the area of education, the Committee is especially concerned about the high rate of illiteracy among women, which clearly demonstrates patterns of indirect discrimination under article 10. It is also concerned about the high dropout rate of girls from schools, including for such reasons as pregnancy and early and forced marriage.

51. **The Committee urges the State party to raise awareness of the importance of education as a human right and as a basis for the empowerment of women, and to take steps to overcome traditional attitudes that perpetuate discrimination and lack of compliance with the provisions of article 10 of the Convention. It recommends that the State party implement measures to ensure equal access for girls and women to all levels of education and to ensure the retention of girls in school, including through temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25. The Committee calls on the State party to make every effort to improve the literacy level of girls and women through the adoption of comprehensive programmes of formal and non-formal education, and through adult education and training. It requests the State party to implement specific measures to enable girls to complete their schooling after childbirth and to combat early and forced marriage as obstacles to their education. It encourages the State party to strengthen collaboration with civil society and to seek enhanced support from the international community and donor organizations to accelerate compliance with article 10 of the Convention.**

52. The Committee notes with concern that, while the State party's legislation guarantees gender equality in the area of employment and work, there are no specific measures and enforcement mechanisms to prevent and eliminate de facto discrimination against women in those areas. It is also concerned about women's unequal access to employment opportunities, resulting in the overrepresentation of women in the informal sector, which does not provide social protection.

53. **The Committee calls upon the State party to introduce without delay specific measures, including an enforcement mechanism, to ensure equal rights for women in the area of employment and work and their full and equal participation in the labour market. This should include a guarantee of equal pay for equal work and for work of equal value. The Committee also calls upon the State party to enact legislation prohibiting sexual harassment.**

54. While noting the efforts made by the State party to improve women's health, including the establishment of a National Reproductive Health Programme 2003-2007, the Committee expresses concern about the lack of access by women and girls to adequate health-care services, including prenatal and post-natal care and family planning information, particularly in rural areas. The Committee is also concerned about the alarming rate of teenage pregnancy, which presents a significant obstacle to girls' educational opportunities and economic empowerment and also leads to

increased rates of vescico-vaginal fistula. The Committee is especially concerned at the high maternal and infant mortality rates, the low rates of contraceptive use and the lack of sex education for young people, especially in rural areas. It is further concerned about the incidence of substance abuse among young people.

55. **The Committee recommends that the State party undertake all necessary measures to improve women's access to health care and to health-related services and information, including for women in rural areas. It calls upon the State party to improve the availability of sexual and reproductive health services, including family planning services and obstetric care. It recommends that programmes and policies be adopted to increase knowledge of and access to affordable contraceptive methods, so that women and men can make informed choices about the number and spacing of children. The Committee also recommends the implementation of a comprehensive maternal and infant mortality reduction programme, with time bound targets, including measures to increase access to obstetric services. It further calls upon the State party to address teenage pregnancies with a view to preventing vescico-vaginal fistula and to provide medical support to those affected by it. It also recommends that appropriate sex education and youth-friendly reproductive health services be provided, inter alia, to prevent sexually transmitted diseases, including HIV/AIDS. It also encourages the State party to address drug and substance abuse among young people, with a specific focus on young women.**

56. The Committee is concerned about the widespread poverty among women, especially in female-headed households. The Committee is especially concerned about the situation of rural women, about their lack of information and of participation in decision-making processes and about their lack of access to health care, social security services, education, justice, clean water, electricity, land and credit facilities. The Committee is also concerned about discrimination against women on the basis of ethnicity. The Committee is further concerned about the lack of data on the de facto situation of rural women.

57. **The Committee urges the State party to pay special attention to the needs of rural women and of those belonging to various ethnic groups. The Committee also urges the State party to ensure that rural women have access to health care, education, justice, clean water, electricity, land and income-generating projects. The Committee recommends that the State party carefully monitor the implementation of the Strategic Framework for Poverty Reduction of Mauritania so as to ensure that the gender perspectives contained in the strategy are explicitly addressed in the implementation process. The Committee also recommends that the State party collect data on the situation of rural women and include such data and analysis in its next periodic report. It also requests the State party to provide a clear picture of the situation of women belonging to various ethnic groups in that report.**

58. The Committee expresses concern that the Personal Status Code contains some provisions that can discriminate against married women, in particular in regard to the management of property and the continuing legality of polygamy and repudiation.

59. **The Committee urges the State party to accelerate its reform of marriage and family law and to eliminate all discriminatory provisions so that women**

enjoy the same legal rights and obligations, in accordance with articles 15 and 16 of the Convention and the Committee's general recommendation 21.

60. **The Committee encourages the State party to ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women and to accept, as soon as possible, the amendment to article 20, paragraph 1, of the Convention concerning the meeting time of the Committee.**

61. **The Committee urges the State party to utilize fully in its implementation of its obligations under the Convention, the Beijing Declaration and Platform for Action, which reinforce the provisions of the Convention, and requests the State Party to include information thereon in its next periodic report.**

62. **The Committee also emphasizes that a full and effective implementation of the Convention is indispensable for achieving the Millennium Development Goals. It calls for the integration of a gender perspective and explicit reflection of the provisions of the Convention in all efforts aimed at the achievement of the Millennium Development Goals and requests the State party to include information thereon in its next periodic report.**

63. **The Committee notes that States' adherence to the seven major international human rights instruments[1] enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. Therefore, the Committee encourages the Government of Mauritania to consider ratifying the treaty to which it is not yet a party, namely the International Convention on the Protection of the Rights of Migrant Workers and Members of Their Families.**

64. **The Committee requests the wide dissemination in Mauritania of the present concluding comments in order to make the people, including government officials, politicians, parliamentarians and women's and human rights organizations, aware of the steps that have been taken to ensure de jure and de facto equality of women, as well as the further steps that are required in that regard. The Committee requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Convention, its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".**

65. **The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report under article 18 of the Convention. The Committee invites the State party to submit its second periodic report, which was due in June 2006, and its third periodic report, which is due in June 2010, in a combined report in 2010.**

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[1] The International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

Serbia

66. The Committee considered the initial report of Serbia (CEDAW/C/SCG/1) at its 775th and 776th meetings, on 16 May 2007 (see CEDAW/C/SR.775 and 776). The Committee's list of issues and questions is contained in CEDAW/C/SCG/Q/1 and the responses of the Government of Serbia are contained in CEDAW/C/SCG/Q/1/Add.1.

Introduction

67. The Committee commends the State party for its accession to the Convention on the Elimination of All Forms of Discrimination against Women without reservations. It expresses its appreciation to the State party for its initial report, while regretting that it was overdue, did not fully comply with the Committee's guidelines for preparation of initial reports, refer to the Committee's general recommendations or contain adequate data disaggregated by sex and, where appropriate, by age or ethnicity. The Committee regrets that the State party did not invite non-governmental organizations to participate in the preparation of the report nor make the report available to the public.

68. The Committee expresses its appreciation to the State party for submitting its written replies to the list of issues and questions sent by the Committee's pre-session working group, while regretting that these replies were submitted late and did not completely answer all questions in the list. It expresses its appreciation to the State party for the oral presentation and further clarifications given in response to the questions posed and concerns expressed orally by the Committee, but notes that some questions remained unanswered.

69. The Committee commends the State party on sending a delegation headed by the State Secretary, Ministry of Education, including the Vice-President of the Council for Gender Equality and representatives from the Ministries of Health, Human and Minority Rights, Interior and Foreign Affairs. It expresses its appreciation to the State party for the constructive dialogue with the Committee.

70. The Committee commends the State party on its accession to the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women on 31 July 2003.

71. The Committee notes that the draft National Action Plan for the Empowerment of Women and the Advancement of Gender Equality (2007-2010) is based on the Beijing Platform for Action.

72. The State party explained that it was unable to discharge its responsibilities with regard to the promotion and protection of human rights in Kosovo and Metohija. The State party suggested that the Committee may invite the United Nations Interim Administration Mission in Kosovo (UNMIK) to submit to it relevant information on the implementation of the Convention in Kosovo and Metohija, owing to the fact that, according to Security Council resolution 1244 (1999), the administration over Kosovo and Metohija has been entrusted to UNMIK and that, under paragraph 11 (j) of the same resolution, UNMIK has the obligation to protect and promote human rights in Kosovo and Metohija. In these circumstances, the Committee requests UNMIK, in cooperation with the Provisional Institutions of Self-Government, to provide without prejudice to the legal status of

Kosovo, a report on the implementation of the Convention in Kosovo and Metohija since 1999 by no later than 1 June 2008.

Positive aspects

73. The Committee commends the State party for its political will and commitment to fulfilling the legal obligations established by the Convention, as expressed in the new Constitution (2006), which includes the State's guarantees for equality of women and men and development of equal opportunities policy (article 15); the possibility of introducing special measures to achieve full equality (article 21); and the obligation to ensure equality and representation of women and men and members of national minorities in the National Assembly (article 100). The Committee commends the State party on removing discriminatory aspects of legislation, including the Family Law, the Labour Law, the Criminal Code and electoral laws. It further commends the State party on the preparation of a draft law on gender equality.

74. The Committee welcomes the institutional arrangements for gender equality at various levels, namely the Parliamentary Committee for Gender Equality of the National Assembly; the Council for Gender Equality; the Secretariat for Labour, Employment and Gender Equality within the Government of the Autonomous Province of Vojvodina; the Committee for Gender Equality of the Autonomous Province of Vojvodina Assembly; the Ombudsperson of the Autonomous Province of Vojvodina; the Provincial Gender Equality Institute, and the appointment of local gender focal points in 42 cities and municipalities.

75. The Committee commends the State party on general policies and programmes that have the potential of enhancing implementation of the Convention, including the nationalized Millennium Development Goals in the Republic of Serbia, the poverty reduction strategy, the national employment strategy and the draft national strategy for sustainable development.

76. The Committee commends the State party on the increase in the percentage of women deputies in the National Assembly from 12.8 per cent to 20.4 per cent after the elections in January 2007, which was facilitated by the introduction of temporary special measures in the law on the election of deputies, whereby each entity submitting an election list shall have at least 30 per cent of its candidates from the less-represented sex.

Principal areas of concern and recommendations

77. **While recalling the State party's obligation to systematically and continuously implement all the provisions of the Convention, the Committee views the concerns and recommendations identified in the present concluding comments as requiring the State party's priority attention between now and the submission of the next periodic report. Consequently, the Committee calls upon the State party to focus on those areas in its implementation activities and to report on actions taken and concrete results achieved in its next periodic report. It also calls upon the State party to submit the present concluding comments to all relevant ministries, other government structures at all levels and to Parliament, in order to ensure their full implementation.**

78. The Committee has noted the State party's acknowledgment that, within the complex process of political, economic and social transition in the post-conflict period, its main priority has been the accession to the European Union as soon as possible. It is concerned that this position indicates that the Convention on the Elimination of All Forms of Discrimination against Women has yet to be given central importance as a legally binding human rights instrument for the elimination of all forms of discrimination against women and the promotion of gender equality, despite the fact that it is part of the domestic legal order.

79. **The Committee urges the State party to base its legislation, policies, plans and programmes to achieve gender equality and the advancement of women on the Convention on the Elimination of All Forms of Discrimination against Women, as a comprehensive, legally binding human rights instrument within the domestic legal order. It therefore urges the State party to bring all domestic legislation in line with the Convention and to take clear and specific results-oriented measures to reflect the scope of the Convention in all Government actions across all sectors and levels. The Committee recommends that the draft National Action Plan for the Empowerment of Women and the Advancement of Gender Equality (2007-2010) address the needs of war victims and, in particular, women refugees and internally displaced women. The Committee also urges the State party to raise awareness about the Convention and its Optional Protocol, including in the media, and in particular among government officials, politicians and other decision makers, including parliamentarians, and to provide training to the judiciary and the legal profession.**

80. While welcoming recent legislative activities, including significant law reform, in areas covered by the Convention, the Committee is concerned that the normative legal framework for protection against discrimination against women is insufficient and that implementation of existing legislation is weak. It is also concerned that policies and programmes generally do not lead to sustainable results conducive to the achievement of substantive gender equality in practice.

81. **The Committee urges the State party to adopt without delay its draft law on gender equality and to ensure that the law has the institutional and operational aspects needed to ensure that women will be protected from acts of discrimination in line with the requirements of the Convention. The Committee urges the State party to ensure that women are made aware of their rights and that complaint mechanisms be made accessible to them. The Committee recommends that the State party monitor the implementation of provisions in other legislation that guarantee women de jure equality with men in order to ensure that they result in substantive (de facto) equality for women. It further recommends that the State party review its plans and programmes to ensure that gender perspectives are fully integrated and systematically monitor and assess their implementation. It urges the State party to carry out systematic gender-sensitization and training programmes for government and other public officials, especially law enforcement, judicial and health personnel, and for all others responsible for the implementation of relevant legislation and programmes.**

82. While welcoming the establishment in 2004 of the Council for Gender Equality as an expert advisory body on issues related to gender equality and the advancement of women, the Committee is concerned that the Council may not have

sufficient resources in terms of budget and staffing and that its advisory nature impedes its mandated coordination capacity.

83. **The Committee recommends that the State party strengthen the Council for Gender Equality by significantly increasing its human and financial resources and technical capacity so that it can effectively implement the tasks required by its wide-ranging mandate. Its increased strength should also enable it to influence policymaking and further promote the mainstreaming of gender equality issues into all laws, policies and national action plans, including a gender focus across ministries and at all levels of government.**

84. The Committee is concerned about the persistence of deep-rooted, traditional patriarchal stereotypes regarding the role and responsibilities of women and men in the family and in the wider community, which are major causal factors for violence against women and are reflected in women's educational choices, their disadvantaged situation in the labour market and their low level of participation in political and public life.

85. **The Committee calls upon the State party to implement comprehensive measures to initiate change in the widely accepted attitudes and practices subordinating women and the stereotypical roles applied to both sexes. Such measures should include awareness-raising and educational campaigns addressing women and men, girls and boys, religious and community leaders, parents, teachers and officials, in accordance with the obligations under articles 2 (f) and 5 (a) of the Convention. The Committee also recommends that the State party encourage the media to discuss and promote non-stereotypical and positive images of women and promote the value of gender equality to society as a whole.**

86. While welcoming the State party's measures taken to combat violence against women, including making domestic violence and marital rape criminal offences under the Criminal Code and the availability of protection and restraining orders, the Committee is concerned about the continuing prevalence of violence perpetrated against women and girls. It is also concerned that some penalties for domestic violence have decreased and that sexual harassment is no longer a criminal offence under the (2005) amended Criminal Code. The Committee is further concerned about the limited available data on violence against women.

87. **The Committee urges the State party to give priority to eliminating all forms of violence against women, in particular domestic violence, and to adopt comprehensive measures to address violence against women in accordance with its general recommendation 19. The Committee calls upon the State party to adopt, without delay, the draft National Action Plan for the Empowerment of Women and the Advancement of Gender Equality, which provides measures to combat violence against women, including capacity-building for the implementation of laws and standards, research and record-keeping. It urges the State party to establish systematic and regular collection and analysis of data and information on all forms of violence against women in order to strengthen the knowledge base for effective and targeted policy and programme development, including prevention efforts, to monitor trends over time and to make its findings available to the public. The Committee further recommends that the State party consider adopting a domestic violence law that would consolidate relevant elements that are currently found in the Criminal Code**

and the Family Law. The State party should ensure that women and girls who are victims of violence have access to the immediate means of redress and protection for which the Family Law provides, that a sufficient number of shelters funded by the Government is available to all victims and that perpetrators are prosecuted and adequately punished. The Committee recommends the implementation of training for the judiciary and public officials, in particular law enforcement personnel and health-service providers, ensuring that they are sensitized to all forms of violence against women, in particular domestic violence, and can provide adequate support to victims. It also recommends further public awareness-raising campaigns on the unacceptability of violence against women and that the State party develop and put in place counselling and rehabilitation programmes for perpetrators of violence against women. The Committee encourages the State party to make full use of the information contained in the Secretary-General's in-depth study on all forms of violence against women (A/61/122 and Add.1 and Add.1/Corr.1).

88. The Committee is concerned about instances of de facto discrimination against Roma women threatened by domestic violence who have been excluded from safe houses on account of the admission criteria applied.

89. **The Committee requests the State party to review and monitor the application of admission criteria used by safe houses for victims of domestic violence in order to ensure that these do not exclude Roma women.**

90. While welcoming measures taken by the State party to combat human trafficking, including its accession to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, the adoption of the Strategy against Human Trafficking in December 2006 and the creation, in 2004, of the Service for the Coordination of Assistance to Victims of Human Trafficking, the Committee is concerned that Serbia remains a country of transit, origin and destination for trafficked women and girls.

91. **The Committee calls on the State party to adopt the draft National Plan against Human Trafficking without delay and to establish a mechanism to monitor and evaluate its effectiveness. The Committee further calls on the State party to effectively apply its anti-trafficking legislation and programmes and to enhance international, regional and bilateral cooperation in order to further curb the phenomenon. The Committee also requests the State party to establish human rights-based protection and long-term reintegration programmes for victims.**

92. The Committee is concerned at the low representation of women, including women from ethnic minorities, particularly in appointed bodies and in government structures at high levels and in decision-making positions, including the diplomatic service. It is also concerned that women have not fully and effectively participated in the country's post-conflict reconstruction and stabilization or in the negotiation processes on the future status of Kosovo and Metohija.

93. **The Committee urges the State party to strengthen and implement measures to increase the representation of women in appointed bodies and in government structures through, inter alia, effective application of temporary special measures, in accordance with article 4, paragraph 1, of the Convention**

and the Committee's general recommendation 25, in order to realize women's right to equal participation in all areas of public life and, in particular, at high levels of decision-making. The Committee recommends that the State party fully utilize general recommendation 23. It also recommends that the State party increase its efforts in offering or supporting capacity-building programmes for current and future women leaders and carry out awareness-raising campaigns regarding the importance of women's equal participation in political and public decision-making. The Committee recommends that the State party put in place an action plan for the full implementation of Security Council resolution 1325 (2000), taking into account paragraph 1 of article 4, and articles 7 and 8 of the Convention.

94. The Committee is concerned about the lack of current sex-disaggregated data and information in regard to education, in particular of such information divided by rural and urban areas and ethnicity. It is concerned about the access of women and girls to education, particularly Roma women and girls and other marginalized groups. It is also concerned about illiteracy and the significantly high rates at which women and girls drop out of the educational system.

95. **The Committee requests the State party to undertake the data collection necessary to establish a clear baseline from which to monitor the de facto realization of women's and girls' right to education without discrimination. The Committee recommends that urgent efforts be undertaken to ensure equal access to education for both sexes, at all levels of education. It requests that special attention be paid to achieving equal access for marginalized groups of women and girls, in particular of the Roma minority, with special urgency at the elementary school level. The Committee also recommends that literacy and vocational programmes be provided to Roma women, in particular those who are elderly and illiterate, as well as to other marginalized groups of women in similar situations.**

96. The Committee is concerned about systemic indirect discrimination against women in employment, which is pervasive in the public and private sectors and the informal sector, and is characterized by: horizontal and vertical job segregation, with women predominating in lower paid jobs in the public sector; a significant pay gap; higher unemployment rates of women, including older women, refugees, first-time job seekers and minority women; a larger number of women working as unpaid family helpers; limited access to the military for women; older women with lower incomes than older men; and some protective legislation being applied to women, including outdated notions of women's capabilities resulting in comprehensive protective legislation being applied to women.

97. **The Committee requests the State party to use the Convention as the human rights framework and to apply a holistic approach to modify and eliminate systemic, indirect discrimination against women in employment, supported by temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25. The Committee requests the State party to provide training and retraining to unemployed women, including marginalized groups of women, credit to women entrepreneurs and to those who wish to set up their own business and social security benefits for unpaid family helpers. The Committee further requests the State party to enhance the income-generating capacity, in particular of women**

who are single heads of household and rural women. The Committee also requests the State party to review protective labour legislation with a view to eliminating provisions that perpetuate women's de facto inequality.

98. While noting that new laws on health protection and insurance have been adopted with the aim of initiating reform of the health care system and ensuring the right of women to health protection and service, the Committee is concerned about the limited access to adequate health-care services for women, especially for women in rural areas and Roma women, including access to information and counselling on family planning. It is further concerned about the use of abortion as a method of family planning. It is also concerned about the lack of up-to-date sex-disaggregated data and information on the prevalence of HIV/AIDS among women and girls.

99. **The Committee recommends that the State party continue to take measures to improve women's access to affordable health care throughout their life cycle and in all areas of the country. It calls on the State party to increase its efforts to improve the availability of sexual and reproductive health services, including family planning, to mobilize resources for that purpose and to monitor the actual access to those services by women. It further recommends that information on family planning be widely available and reproductive health education targeted at girls and boys, with special attention to the prevention of early pregnancies and the control of sexually transmitted diseases and HIV/AIDS. The Committee requests the State party to include in its next report comprehensive information on the efforts of the State party to improve women's access to health-care services, including family planning, and on trends over time. It also requests the State party to include information about monitoring and evaluation mechanisms in place for health-related strategies.**

100. The Committee is concerned about the persistence of early marriage in the State party, particularly within the Roma population. It regrets that too little information was given about the new Family Law and its enforcement.

101. **The Committee urges the State party to enforce the legal minimum age of marriage, which is set at 18, and to undertake awareness-raising measures throughout the country on the negative effects of early marriage on women's enjoyment of their human rights, especially their rights to health and education.**

102. The Committee notes that the report was lacking in information and statistics about particularly vulnerable groups of women, including rural women, Roma women, women without civil registration and documentation, disabled women, refugee women and internally displaced women, who often suffer from multiple forms of discrimination.

103. **The Committee requests the State party to provide, in its next report, a comprehensive picture of the de facto situation of these vulnerable groups of women in all areas covered by the Convention and of governmental policies and programmes to eliminate discrimination against them.**

104. **The Committee calls upon the State party to collaborate with local authorities in the follow-up to the Committee's concluding comments and in the preparation of future periodic reports under article 18 of the Convention. The Committee also recommends that ongoing and systematic consultations with a broad range of women's non-governmental organizations on all issues**

pertaining to the promotion of gender equality be ensured, including in regard to the follow-up to the Committee's concluding comments and in the preparation of future reports.

105. **The Committee encourages the State party to accept, as soon as possible, the amendment to article 20, paragraph 1, of the Convention concerning the meeting time of the Committee.**

106. **The Committee urges the State party to continue to utilize, in its implementation of its obligations under the Convention, the Beijing Declaration and the Platform for Action, which reinforce the provisions of the Convention, and requests the State party to include information thereon in its next periodic report.**

107. **The Committee also emphasizes that full and effective implementation of the Convention is indispensable for achieving the Millennium Development Goals. It calls for the integration of a gender perspective and explicit reflection of the provisions of the Convention in all efforts aimed at the achievement of the Goals and requests the State party to include information thereon in its next periodic report.**

108. **The Committee notes that the adherence of States to the seven major international human rights instruments[1] enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. The Committee therefore encourages the Government of Serbia to consider ratifying the treaty to which it is not yet a party, namely, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.**

109. **The Committee requests the wide dissemination in Serbia of the present concluding comments in order to make the people, including government officials, politicians, parliamentarians and women's and human rights organizations, aware of the steps that have been taken to ensure de jure and de facto equality of women, as well as the further steps that are required in that regard. The Committee requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Convention, its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and the Platform for Action and the outcome of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".**

110. **The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report under article 18 of the Convention. The Committee invites the State party to submit its second periodic report, which was due in April 2006, and its third periodic report, due in April 2010, in a combined report in 2010.**

Syrian Arab Republic

111. The Committee considered the initial report of the Syrian Arab Republic (CEDAW/C/SYR/1) at its 787th and 788th meetings, on 24 May 2007 (see CEDAW/C/SR.787 and 788). The Committee's list of issues and questions is contained in CEDAW/C/SYR/Q/1, and the responses of the Syrian Arab Republic are contained in CEDAW/C/SYR/Q/1/Add.1.

Introduction

112. The Committee expresses its appreciation to the State party for its initial report, which was well structured and generally complied with the Committee's guidelines for preparation of reports, but lacked references to the Committee's general recommendations.

113. The Committee commends the State party on its high-level delegation, headed by the Chairperson of the Syrian Commission for Family Affairs, the national machinery for the advancement of women.

114. The Committee congratulates the State party for the quality of its introductory statement, its written replies to the list of issues and questions raised by the pre-session working group and for the frank and constructive dialogue held between the delegation and the members of the Committee, which provided further insights into the real situation of women in the Syrian Arab Republic.

115. The Committee notes with appreciation that the report was prepared in a participatory process involving government bodies and non-governmental organizations.

Positive aspects

116. The Committee commends the State party for its decision to withdraw reservations to articles 2, 15 (4), 16 (1) (g) and 16 (2).

117. It congratulates the State party on the establishment of (i) the Syrian Commission for Family Affairs as the national machinery for the advancement of women and (ii) the Directorate of Rural Women Development within the Ministry of Agriculture.

118. It commends the State party on including sections on women's empowerment in its Ninth and Tenth Five-Year Plans and on its adoption of the Rural Women Development Strategy.

119. The Committee congratulates the State party on the achievement of parity between girls and boys in secondary education.

Principal areas of concern and recommendations

120. **While recalling the obligation of the State party to systematically and continuously implement all the provisions of the Convention, the Committee views the concerns and recommendations identified in the present concluding comments as requiring the priority attention of the State party between now and the submission of the next periodic report. Consequently, the Committee calls upon the State party to focus on those areas in its implementation activities and to report on actions taken and results achieved in its next periodic report. It also calls upon the State party to submit the present concluding comments to all relevant ministries and to the Parliament so as to ensure their full implementation.**

121. While welcoming the decision of the State party to remove reservations to articles 2, 15 (4), 16 (1) (g) and 16 (2), the Committee is concerned about the remaining reservations of the State party to articles 9 (2), 16 (1) (c), (d) and (f) and 29 (1).

122. **The Committee calls upon the State party to speedily complete the process of removal of reservations to articles 2, 15 (4), 16 (1) (g) and 16 (2) by depositing the necessary instrument of removal with the Secretary-General, as depository of the Convention. It also calls upon the State party to review and withdraw all remaining reservations, and especially reservations to articles 9 and 16, which are incompatible with the object and purpose of the Convention.**

123. While commending current awareness-raising programmes on the Convention and noting that international instruments take precedence over national law and may be invoked before the courts, the Committee is concerned that the provisions of the Convention, including the general recommendations of the Committee, are not widely known in the country and have not, so far, been utilized in bringing cases related to discrimination against women before the courts.

124. **The Committee calls upon the State party to develop awareness-raising programmes and training on the provisions of the Convention, in particular with regard to the meaning and scope of direct and indirect discrimination and about formal and substantive equality, for judges, lawyers and prosecutors, so as to establish firmly in the country a legal culture supportive of women's equality and non-discrimination. It also invites the State party to enhance women's awareness of their rights through ongoing legal literacy programmes and legal assistance. The Committee further calls upon the State party to widely disseminate the Convention and its general recommendations among all stakeholders, including government ministries, parliamentarians, the judiciary, political parties, non-governmental organizations, the private sector and the general public.**

125. The Committee is concerned that the right to equality between women and men and the prohibition of both direct and indirect discrimination against women has not been reflected in the Constitution or any other law.

126. **In order to fully implement the Convention in the Syrian Arab Republic, the Committee recommends that a definition of discrimination in line with article 1 of the Convention, as well as provisions on the equal rights of women in line with article 2 (a) of the Convention, be included in the Constitution, or in other relevant legislation. The Committee calls upon the State party to enact and implement a comprehensive law on gender equality that is binding on both public and private sectors and to make women aware of their rights under such legislation. It also recommends that the State party establish procedures for filing of complaints of discrimination, provide adequate sanctions for acts of discrimination against women and ensure that effective remedies are available to women whose rights have been violated.**

127. While appreciating the State party's efforts to review and revise discriminatory legislation, including discriminatory provisions in its Personal Status Act, Penal Code and Nationality Act, the Committee is concerned about the delay in the law reform process and notes that many amendments are still in the process of being drafted and bills that have been drafted have yet to be adopted.

128. **The Committee calls upon the State party to give high priority to its law reform process and to modify or repeal, without delay and within a clear time frame, discriminatory legislation, including discriminatory provisions in its Personal Status Act, Penal Code and Nationality Act. To this end, the**

Committee calls upon the State party to increase its efforts to sensitize the Parliament as well as public opinion regarding the importance of accelerating legal reform. It also encourages the State party to continue to increase support for law reform through partnerships and collaboration with religious and community leaders, lawyers and judges, unions, civil society organizations and women's non-governmental organizations.

129. While noting the preparation of a draft National Plan for the Protection of Women, the Committee is concerned that this plan does not contemplate specific legislation to criminalize violence against women, including domestic violence. The Committee is further concerned that several provisions in the Penal Code condone acts of violence against women by exempting perpetrators from punishment. In particular, it is concerned that the definition of rape in article 489 of the Penal Code excludes marital rape; article 508 of the Penal Code exempts rapists from punishment if they marry their victims; and article 548 of the Penal Code exonerates perpetrators of "honour crimes".

130. **In accordance with its general recommendation 19, the Committee urges the State party to give high priority to putting in place comprehensive measures to address all forms of violence against women and girls, recognizing that violence against women is a form of discrimination against women and thus constitutes a violation of their human rights under the Convention. The Committee calls upon the State party to enact, as soon as possible, legislation on violence against women, including domestic violence, so as to ensure that violence against women constitutes a criminal offence, that women and girls who are victims of violence have access to immediate means of redress and protection and that perpetrators are prosecuted and punished. The Committee calls upon the State party to amend, without delay, applicable provisions in the Penal Code to ensure that marital rape is criminalized, that marriage to the victim does not exempt a rapist from punishment, and that perpetrators of honour crimes are not exonerated and do not benefit from any reduction in penalty. The Committee recommends that the State party also implement educational and awareness-raising measures aimed at law enforcement officials, the judiciary, health service providers, social workers, community leaders and the general public, in order to ensure that they understand that all forms of violence against women are unacceptable. The Committee requests the State party to provide information in its next report on the laws and policies in place to deal with violence against women and the impact of such measures.**

131. While appreciating that the Tenth Five-Year Plan calls for the provision of shelters and counselling services for women victims of violence and that the Ministry of Social Affairs is working to establish a centre for protection of battered women and planning to establish two family guidance centres, the Committee is concerned about the acute lack of shelters and services for victims of violence against women. It is also concerned that existing laws such as those relating to women's rights to maintenance and work may impede the ability of victims of violence against women to seek protection in the shelters.

132. **The Committee calls upon the State party to establish sufficient numbers of shelters and services for victims of violence against women throughout the Syrian Arab Republic. In this regard, it recommends that the State party review its existing laws and policies to ensure that women who go to shelters do**

not forgo other legal rights, such as rights to maintenance and dower. The Committee further calls upon the State party to ensure that if the victimized woman agrees to reconcile with the perpetrator, counselling services are provided to the perpetrator and the situation monitored to prevent further abuse. The Committee requests the State party to provide details of services provided to victims of violence, including details about access to and scope and effectiveness of the services, in its next report.

133. While welcoming the State party's ratification of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, and noting the preparation of a draft bill on trafficking, the Committee is concerned that the victims of trafficking and exploitation are being treated as criminals and punished for prostitution or sent to reform centres for juvenile delinquents and there are no measures for their rehabilitation.

134. **The Committee urges the State party to fully implement article 6 of the Convention, including by speedily enacting specific and comprehensive national legislation on the phenomenon of trafficking (internal and cross-border) that ensures that offenders are punished and victims adequately protected and assisted. The Committee further calls upon the State party to increase its efforts at international, regional and bilateral cooperation with countries of origin, transit and destination to prevent trafficking through information exchange. The Committee urges the State party to collect and analyse data from the police and international sources, prosecute and punish traffickers, and ensure the protection of the human rights of trafficked women and girls, including by ensuring that such women and girls are not sent to prison or to reform centres for juvenile delinquents. It recommends that the State party take measures for the rehabilitation and social integration of women and girls who are victims of exploitation and trafficking. The Committee further calls on the State party to decriminalize victims of such exploitation and take all appropriate measures to suppress exploitation of prostitution of women, including discouraging the male demand for prostitution.**

135. While appreciating the State party's goal of 30 per cent women in decision-making levels in both the Ninth and Tenth Five-Year Plans, the Committee is concerned about the lack of measures adopted towards the realization of this goal and the continuing low levels of representation of women in public and political life and in decision-making positions, particularly in municipal, town and village councils.

136. **The Committee encourages the State party to take sustained measures, including temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25, and to establish concrete goals and timetables so as to accelerate the increase in the representation of women, in elected and appointed bodies in all areas of public life, including in municipal, town and village councils. The Committee invites the State party to also encourage political parties to use quotas. It recommends that the State party conduct training programmes on leadership and negotiation skills for current and future women leaders. It further urges the State party to undertake awareness-**

raising about the importance of women's participation in decision-making for society as a whole.

137. While appreciating the efforts of the State party to revise school curricula to remove stereotyped images of women and men, the Committee is concerned about the persistence of patriarchal attitudes and deep-rooted stereotypes regarding the roles and responsibilities of women and men in the family and society. These stereotypes present a significant impediment to the implementation of the Convention and are a root cause of the disadvantaged position of women in all areas, including in the labour market and in political and public life.

138. **The Committee urges the State party to address stereotypical attitudes about the roles and responsibilities of women and men, including the hidden cultural patterns and norms that perpetuate direct and indirect discrimination against women and girls in all areas of their lives. It calls upon the State party to implement and monitor comprehensive measures to bring about change in the widely accepted stereotypical roles of men and women, including by promoting equal sharing of domestic and family responsibilities between women and men. Such measures should include awareness-raising and educational campaigns addressing women and men, girls and boys, of all religious affiliations with a view to eliminating stereotypes associated with traditional gender roles in the family and in society, in accordance with articles 2 (f) and 5 (a) of the Convention.**

139. While noting the efforts made by the State party to improve reproductive health care for women, the Committee remains concerned about the lack of access to adequate health care of women and girls, particularly in rural areas. The Committee further expresses concern that women in certain parts of the country and belonging to certain social classes require, in practice, the permission of their husbands to access health facilities.

140. **The Committee recommends that the State party take targeted measures to improve and increase women's access to health care and health-related services and information, in accordance with general recommendation 24 on women and health and based on an assessment of the needs of women in different parts of the country and belonging to different social classes. The Committee also calls upon the State party, in the context of the ongoing decentralization of the government, to ensure that there is parity in the quality of health and health-related services in different areas.**

141. The Committee expresses concern about the occupational segregation between women and men in the labour market and the persistent gap in wages between women and men. It is also concerned at the concentration of women in the informal sector with no social security or other benefits. The Committee is concerned about impediments to women's employment, such as the lack of adequate child care facilities. It is further concerned that the Employment Act does not prohibit sexual harassment.

142. **The Committee urges the State party to adopt effective measures in the formal labour market to eliminate occupational segregation, both horizontal and vertical, and to narrow and close the wage gap between women and men. It also encourages the State party to regulate the informal sector to ensure that women in this sector are not exploited and are provided social security and**

other benefits. The Committee calls upon the State party to remove impediments to women's employment, including by ensuring that there are adequate child care facilities in all areas. The Committee recommends that the State party revise its Employment Act to add provisions on sexual harassment and ensure that such provisions are enforced.

143. While noting that the State party is in the process of reforming its Personal Status Act to remove discriminatory provisions, the Committee is concerned about the delay in the reform process and about the State party's statement that reform may be undertaken in a piecemeal manner. The Committee is concerned, in particular, about unequal rights of women and men to marriage, divorce, custody and inheritance under the existing laws and about the existence of polygamy and child marriages.

144. **The Committee recommends that the State party undertake a comprehensive reform of its Personal Status Act, ensuring that women and men have equal rights to marriage, divorce, custody and inheritance and that polygamy and child marriages are prohibited. The Committee further recommends that the State party ensure enforcement of such revised laws, including by requiring registration of all births, deaths, marriages and divorces.**

145. While appreciating the State party's emphasis on working in cooperation with civil society organizations and noting that the State party is in the process of revising the Associations Law, the Committee is concerned that the currently applicable law hinders establishment and operation of civil society organizations.

146. **The Committee recommends that the State party ensure, including through speedy revision of the Associations Law, that civil society organizations and women's non-governmental organizations are not restricted with respect to their establishment and operations and that they are able to function independently of the government. In particular, the Committee urges the State party to provide an enabling environment for the establishment and active involvement of women's and human rights organizations in promoting the implementation of the Convention.**

147. The Committee is concerned that the report did not provide sufficient statistical data on the situation of women in all areas covered by the Convention, and disaggregated by other factors such as age and rural and urban areas. The Committee is also concerned about the lack of information on the impact of measures taken and of results achieved in various areas of the Convention.

148. **The Committee calls upon the State party to include in its next report statistical data and analysis on the situation of women, disaggregated by sex, age and by rural and urban areas, indicating the impact of measures taken and the results achieved in the practical realization of women's substantive equality.**

149. **The Committee encourages the State party to ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women and to accept, as soon as possible, the amendment to article 20, paragraph 1, of the Convention concerning the meeting time of the Committee.**

150. **The Committee requests the State party to ensure the wide participation of all ministries and public bodies in, and to consult with non-governmental**

organizations during the preparation of its next report. It encourages the State party to involve Parliament in a discussion of the report before its submission to the Committee.

151. **The Committee urges the State party to utilize fully in its implementation of the obligations under the Convention, the Beijing Declaration and Platform for Action which reinforce the provisions of the Convention, and requests the State party to include information thereon in its next periodic report.**

152. **The Committee also emphasizes that full and effective implementation of the Convention is indispensable for achieving the Millennium Development Goals. It calls for the integration of a gender perspective and the explicit reflection of the provisions of the Convention in all efforts aimed at the achievement of the Millennium Development Goals and requests the State party to include information thereon in its next periodic report.**

153. **The Committee commends the State party for having ratified the seven major international human rights instruments.**[1] **It notes that the State party's adherence to those instruments enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life.**

154. **The Committee requests the wide dissemination in the Syrian Arab Republic of the present concluding comments in order to make the people of the Syrian Arab Republic, including government officials, politicians, parliamentarians and women's and human rights organizations, aware of the steps that have been taken to ensure de jure and de facto equality of women, as well as the further steps that are required in that regard. The Committee requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Convention, the Optional Protocol thereto, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".**

155. **The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report under article 18 of the Convention. The Committee invites the State party to submit its second periodic report, which is due in April 2008, and its third periodic report, due in April 2012, in a combined report in April 2012.**

2. Combined initial and second periodic report

Mozambique

156. The Committee considered the combined initial and second periodic report of Mozambique (CEDAW/C/MOZ/1-2) at its 783rd and 784th meetings, on 23 May 2007 (see CEDAW/C/SR.783 and 784). The Committee's list of issues and questions is contained in CEDAW/C/MOZ/Q/2, and the responses of the Government of Mozambique are contained in CEDAW/C/MOZ/Q/2/Add.1.

Introduction

157. The Committee commends the State party for ratifying the Convention on the Elimination of All Forms of Discrimination against Women without reservations and expresses its appreciation to the State party for its combined initial and second

periodic report, which although overdue, followed the Committee's guidelines for the preparation of reports. The Committee notes that the report was candid and provided an informative overview of the situation of women in Mozambique, but lacked reference to the Committee's general recommendations and comprehensive statistical data.

158. The Committee congratulates the State party on its high-level delegation, headed by the Minister of Women and Social Action, which included representatives of other ministries and specialized institutions with responsibility for implementation of measures in the areas covered by the Convention. It expresses appreciation to the State party for the quality of its introductory statement, its written responses to the list of issues and questions raised by the pre-session working group, and its further clarifications to the questions orally posed by the Committee.

Positive aspects

159. The Committee commends the State party for incorporating in its Constitution a specific provision articulating the principle of equality between women and men, as well as provisions on general principles of equality, and for the introduction of legal reforms aimed at the elimination of discrimination against women, particularly in the Family Law of 2004, which establishes the equality of women and men in marriage and family relations, the Land Law of 1997, which explicitly sets forth equal rights to land for women, and the Commercial Code of 2005, which incorporates equal rights for women in the exercise of any commercial activity.

160. The Committee commends the State party for its National Plan for the Advancement of Women 2002-2006 and for its adoption of the Gender Policy and Implementation Strategy in 2005, as well as the inclusion of the objective of gender equality in the Government's five-year plan 2005-2009 and in certain sectoral plans and programmes.

161. The Committee notes with satisfaction the high level of the institutional machinery for achieving gender equality in place at the government level, including the Ministry of Women and Social Action and the National Council for the Advancement of Women, which is composed of different stakeholders from both Government and civil society, as well as mechanisms in place at the parliamentary level.

162. The Committee welcomes the progress made in women's access to decision-making posts in the political sphere, especially the appointment of a woman as Prime Minister and the appointment of a number of women ministers and vice-ministers. The Committee also notes with great appreciation that the proportion of women parliamentarians in Mozambique is among the highest in the world.

163. The Committee commends the State party for its cooperation with civil society organizations, particularly women's organizations, which is achieved both through the formal representation of civil society organizations in the national machinery and through government cooperation with such organizations on specific programmes and projects.

Principal areas of concern and recommendations

164. **While recalling the State party's obligation to systematically and continuously implement all the provisions of the Convention, the Committee views the concerns and recommendations identified in the present concluding comments as requiring the State party's priority attention between now and the submission of the next periodic report. Consequently, the Committee calls upon the State party to focus on those areas in its implementation activities and to report on actions taken and results achieved in its next periodic report. It also calls upon the State party to submit the present concluding comments to all relevant ministries and to the Parliament so as to ensure their full implementation.**

165. The Committee acknowledges that the Convention is directly applicable under Mozambican law, but notes that a comprehensive legal review has not yet been completed. The Committee is, therefore, concerned about the possibility of conflict between constitutional and other legal provisions and the provisions of the Convention.

166. **The Committee calls upon the State party to ensure that the provisions of the Convention are upheld and applied and take primacy over any other conflicting provisions of law.**

167. The Committee is concerned that discriminatory provisions still exist in several areas of Mozambican law, including in the Penal Code and in the laws governing inheritance rights.

168. **The Committee calls upon the State party to pursue and accelerate without delay, in accordance with article 2 of the Convention, a comprehensive revision of its legislation in all areas and to work effectively with Parliament to ensure that all discriminatory provisions are amended or repealed in order to achieve full compliance with the provisions of the Convention, and provide legal remedies and sanctions for the application of the prohibition of discrimination against women, as contained in article 1 of the Convention.**

169. The Committee is concerned that, although the country has been a State party to the Convention since 1997, there is still not adequate knowledge about the rights of women under the Convention in Mozambican society in general, including among the judiciary, and in particular at the level of community courts. The Committee is further concerned that women themselves are not aware of their rights under the Convention and thus lack the capacity to claim them.

170. **The Committee urges the State party to ensure that the Convention and related domestic legislation are made an integral part of education and training for members of the legal profession and the judiciary. The Committee also recommends that the State party guarantee that judges in community courts be adequately trained in human rights and the provisions of the Convention, and that women have access to those courts on equal terms with men. It further urges the State party to ensure that information on the Convention is provided to women and community leaders, through the use of appropriate media, and that all women in need, including women in prison, are provided legal aid to ensure their access to justice.**

171. The Committee is concerned about the lack of a holistic approach to achieving de jure compliance with, and de facto implementation of, the Convention.

172. **The Committee urges the State party to utilize the Convention as a comprehensive framework and instrument for the development of its policies and strategies to achieve gender equality and promote the human rights of women, so as to ensure the practical realization of the principle of equality between women and men in accordance with article 2 (a) of the Convention.**

173. While welcoming the high position of the national machinery for women at the ministry level and the establishment of the National Council for the Advancement of Women, the Committee is concerned that the Ministry of Women and Social Action may suffer from inadequate human, financial and technical resources. Such inadequacies could prevent it from effectively discharging its functions in promoting specific programmes for the advancement of women, in effectively coordinating efforts among the different institutions of the national machinery, at various levels, and in ensuring comprehensive gender mainstreaming in all areas of government policy.

174. **The Committee urges the State party to provide the existing national machinery with adequate human, financial and technical resources, at all levels, to ensure that it may effectively carry out its functions, including monitoring the implementation of the Convention. The Committee also urges the State party to provide gender training, which explicitly includes information on the Convention, for gender focal points at the national and departmental levels.**

175. The Committee expresses a general concern about the persistence of discriminatory stereotypes and cultural practices and traditions of a patriarchal nature relating to the roles and responsibilities of women and men in the family and in society, as they constitute serious obstacles to women's educational and professional prospects and the enjoyment of their human rights and contribute to the persistence of violence against women.

176. **The Committee urges the State party to view culture as a dynamic aspect of the country's social fabric and life, which is therefore subject to change, and encourages the State party to adopt a comprehensive strategy to promote cultural change and eliminate discriminatory stereotypes with respect to the roles of women and men, in line with its obligations under articles 2 (f) and 5 (a) of the Convention. The Committee recommends that such a strategy include educational and awareness-raising programmes targeting women and men at all levels of society, that it be undertaken in collaboration with civil society and women's organizations and that it aim for the creation of a favourable environment for positive cultural change.**

177. The Committee is concerned about the persistence of harmful traditional practices, such as early or forced marriage, as well as polygamy, in some areas, although they are prohibited under the new Family Law. The Committee also expresses concern about information received regarding the promotion, by some sectors of Mozambican society, of conservative views contesting women's human rights on the basis of cultural values and the preservation of national identity.

178. **The Committee calls upon the State party to increase its efforts to develop and implement comprehensive educational measures and awareness-raising**

campaigns with regard to the new Family Law for all sectors of society, including the judiciary, the legal profession, law enforcement agents, public officials and community and civil society organizations, with the involvement of and in cooperation with the media. The Committee further recommends that, whenever necessary, the State party take a clear stand on the issue of negative traditional practices, explicitly recognizing that such practices should not violate human rights under any circumstances.

179. Although acknowledging the measures already in place, including counselling services for victims, help lines, training actions for the police and the establishment of a database, the Committee is concerned about the high prevalence of domestic violence and sexual violence against women, which appear to be socially legitimized and accompanied by a culture of silence and impunity, and by the still inadequate responses of social services and of the system of administration of justice. The Committee is further concerned at the vulnerable situation of women victims of violence with respect to their access to justice.

180. **The Committee urges the State party to accord priority attention to the adoption of comprehensive measures to address violence against women and girls in accordance with its general recommendation 19 on violence against women. The Committee calls upon the State party to adopt the draft law against domestic violence as soon as possible, and to ensure that violence against women and girls, including domestic violence, marital rape, sexual harassment, and all forms of sexual abuse, constitutes a criminal offence; that perpetrators are prosecuted, punished and rehabilitated; and that women and girls who are victims of violence have access to immediate means of redress and protection. The Committee also recommends the implementation of training for the judiciary, public officials, law enforcement personnel and health-care providers to ensure that they are sensitized to all forms of violence against women and can provide adequate gender-sensitive support to victims. It also recommends the establishment of counselling services for victims of violence and the implementation of public awareness-raising campaigns, which should also target men, on all forms of violence against women. The Committee requests the State party to provide information in its next report on the laws and policies in place to deal with violence against women and on the impact of such measures, as well as data and trends on the prevalence of various forms of such violence.**

181. While noting the State party's ratification of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, the Committee is concerned about trafficking in women and children and the increasing prostitution of children, particularly girls. In particular, the Committee expresses concern over the trafficking and sexual exploitation of girls stemming from poverty and from their need to provide support to their families.

182. **The Committee urges the speedy adoption and implementation of the draft anti-trafficking law, which must include prevention measures, effective prosecution and punishment of traffickers and the provision of protection and support to victims. The Committee also recommends that information and training on the new law be provided to the judiciary; law enforcement agents, including border police; public officials; and social workers. The Committee**

further recommends that the State party pursue and reinforce policies and programmes to address the root causes of trafficking, including the creation of income-generating activities, in order to eliminate the present vulnerability of women and girls with respect to prostitution and trafficking.

183. While acknowledging the significant presence of women in political decision-making posts, the Committee notes that the same level of progress has not been achieved and that obstacles to the advancement of women still remain in other areas of public and professional life, including in the realms of diplomacy, the judiciary and public administration, mainly at senior levels.

184. **The Committee recommends that the State party pursue sustained policies aimed at the promotion of women's full and equal participation in decision-making as a democratic requirement in all areas of public and professional life, including, wherever necessary, the further adoption of temporary special measures in accordance with article 4, paragraph 1, of the Convention and with the Committee's general recommendation 25 on temporary special measures.**

185. While the Committee recognizes the State party's efforts to expand girls' access to education, in particular the measures taken and results achieved at the primary level, the Committee is concerned about their low levels of participation at the secondary and tertiary levels and in technical streams, as well as about their high failure and drop-out rates. The Committee also expresses concern at the current conditions that impede girls' access to education at all levels, including poverty, a dispersed network of schools, domestic responsibilities of girls, early marriage and early pregnancy. The Committee is further concerned about information received indicating that pregnant girls are transferred to night schools, thus creating further difficulties with respect to attendance, owing to security reasons.

186. **The Committee urges the State party to reinforce and invest further resources in programmes addressing obstacles to girls' and young women's equal educational participation at the secondary and tertiary levels. The Committee also encourages the State party to actively encourage diversification of educational and professional choices and opportunities for women. The Committee recommends that measures be taken to identify and address the causes leading to the high failure and drop-out rates for girls; it further recommends that pregnant girls be supported and encouraged to continue their education.**

187. The Committee is concerned that adequate sex education, essential for a healthy view of sexuality, is not sufficiently covered in school curricula. The Committee is particularly concerned that, on the contrary, girls in schools are sometimes victims of sexual abuse by teachers, colleagues and others, despite the existing legal provisions addressing this issue.

188. **The Committee urges the State party to guarantee that adequate age-appropriate sex education is provided to girls and boys, aimed at a healthy and responsible view of sexuality. The Committee also urges the State party to ensure that those responsible for the harassment or abuse of girls in the educational system are effectively punished, that such abuse is viewed as a human rights violation and that girls are supported in denouncing such situations. The Committee also urges the State party to take measures to promote the creation of a positive environment that will prevent such situations**

from arising, including by encouraging families not to accept the settlement of such cases through the marriage of the girl with the aggressor.

189. The Committee expresses concern about the disadvantaged situation and discrimination against women in the formal labour market, as reflected in their overrepresentation in the lower ranks of the private and public sectors and at the administrative level, in the wage gap and in inequalities in access to financial compensation and benefits as compared to men. The Committee is also concerned about the weak enforcement of the existing equality provisions in labour laws. The Committee is further concerned about the high numbers of women in the informal sector, where they lack job security and access to social security benefits.

190. **The Committee urges the State party to strengthen the enforcement of equality provisions in employment laws, including those regarding equal opportunities of access to the labour market and professions, equal treatment and equal remuneration for equal work or work of equal value, and to ensure equal access to benefits for women and men. The Committee also urges the State party to promote the career progression of women and to utilize temporary special measures to accelerate women's progress towards equality in the areas of work and employment. The Committee further encourages the State party to embrace support for women in the informal sector, including by creating opportunities for training and ensuring access to credit, as well as social security and social protection measures.**

191. The Committee is concerned about multiple aspects of women's health needs, including the maternal mortality rate which, though decreasing, still remains high. It is also concerned at the high rate of teenage pregnancy and its linkage to the lack of information and prevention measures, illegal abortion and to maternal mortality. The Committee is further concerned about the obstacles that women still face in terms of access to health services, including reproductive health services, difficulties with regard to lack of information on sexual and reproductive health and difficulties linked to such factors as a lack of resources, deficient infrastructure and poor roads and transport.

192. **The Committee calls upon the State party to adopt a comprehensive approach to address women's health concerns. It urges the State party to undertake measures to improve women's access to health care services, to improve the availability of information and education regarding sexual and reproductive health and to address the identified causes of maternal mortality. The Committee also recommends that measures that aim at the prevention of unwanted pregnancies, including teenage pregnancies, be strengthened by increasing knowledge about family planning services.**

193. The Committee is deeply concerned at the alarming level and rapid spread of HIV/AIDS among women, including young women and pregnant women, and at the widespread consequences of the pandemic in Mozambique, including the high number of orphaned children.

194. **While noting with appreciation the existing global programmes for addressing the AIDS pandemic and the priority already given to that issue, the Committee recommends continued and sustained efforts to address all relevant aspects of the impact of HIV/AIDS on women, as well as its social and family consequences.**

195. The Committee is concerned about the situation of women in rural and remote areas, which is characterized by poverty, illiteracy, difficulties in access to health and social services and a lack of participation in decision-making processes at the community level. The Committee also expresses concern about the particularly difficult situation of women heads of household. The Committee notes that rural women often lack effective access to the ownership of land, despite the existence of legal provisions providing such access. The Committee further expresses concern about the specific impact of environmental degradation on the situation of rural women.

196. **The Committee recommends that the State party take measures to increase and strengthen the participation of women in designing and implementing local development plans, and pay special attention to the needs of rural women, particularly women heads of household, ensuring that they participate in decision-making processes and have improved access to health, education, clean water and sanitation services, fertile land and income-generation projects. The Committee further recommends that the specific impact of environmental degradation on rural women be evaluated and that the solutions and policies adopted take such evaluations into account. The Committee also recommends that the State party widely disseminate information regarding the rights of women under the Land Law.**

197. Although acknowledging the efforts undertaken, the Committee expresses concern over the vulnerable situation of certain groups of women, including women with disabilities, who suffer from social marginalization and exclusion, namely in the labour market. In particular, the Committee is concerned about the social situation of older women, including their poverty, isolation and lack of identity cards as well as cultural beliefs about older women, and accusations of witchcraft against them. The Committee also expresses concern regarding the particular vulnerabilities of women refugees and internally displaced persons.

198. **The Committee recommends that the State party pay special attention to the precarious situation of older women, women with disabilities, women refugees and internally displaced persons, to ensure that, as appropriate, they have full access to health and social services and to decision-making processes, and that they have adequate jobs in the labour market. The Committee further urges the State party to adopt special programmes to alleviate poverty within those groups of women, and to combat all forms of discrimination against them. The Committee also urges the State party to challenge traditional views regarding older women, particularly accusations of witchcraft, and to provide identity cards free of charge, in order to guarantee their full access to social services and social protection.**

199. The Committee, although welcoming the major breakthrough brought about by the new Family Law, is concerned that discriminatory customary practices still persist with regard to marriage and family relations. The Committee is further concerned that women in de facto unions (a common form of union in Mozambique) and their children do not enjoy adequate legal protection.

200. **The Committee calls upon the State party to ensure regular monitoring of the implementation of the new Family Law to guarantee equal rights for women in marriage and family relations, and to ensure that where conflicts arise between formal legal provisions and customary law, the formal provisions**

prevail. The Committee recommends that the State party seriously consider the situation of women in de facto unions, and of the children resulting from such unions, and ensure that they enjoy adequate legal protections.

201. **The Committee encourages the State party to ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women and to accept, as soon as possible, the amendment to article 20, paragraph 1, of the Convention concerning the meeting time of the Committee.**

202. **The Committee urges the State party to utilize fully, in its implementation of its obligations under the Convention, the Beijing Declaration and Platform for Action, which reinforce the provisions of the Convention, and requests the State party to include information thereon in its next periodic report.**

203. **The Committee also emphasizes that a full and effective implementation of the Convention is indispensable for achieving the Millennium Development Goals. It calls for the integration of a gender perspective and explicit reflection of the provisions of the Convention in all efforts aimed at the achievement of the Goals and requests the State party to include information thereon in its next periodic report.**

204. **The Committee notes that States' adherence to the seven major international human rights instruments[1] enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. Therefore, the Committee encourages the Government of Mozambique to consider ratifying the treaties to which it is not yet a party, namely, the International Covenant on Economic, Social and Cultural Rights and the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.**

205. **The Committee requests the wide dissemination in Mozambique of the present concluding comments in order to make the people, including government officials, politicians, parliamentarians and women's and human rights organizations, aware of the steps that have been taken to ensure de jure and de facto equality of women, as well as the further steps that are required in that regard. The Committee requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Convention, its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".**

206. **The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report under article 18 of the Convention. The Committee invites the State party to submit its third periodic report, which was due in May 2006, and its fourth periodic report, due in May 2010, in a combined report in 2010.**

Niger

207. The Committee considered the combined initial and second periodic report of the Niger (CEDAW/C/NER/1-2) at its 790th and 791st meetings, on 29 May 2007 (see CEDAW/C/SR.790 and 791). The Committee's list of issues and questions is

contained in CEDAW/C/NER/Q/2, and the responses by the Niger are contained in CEDAW/C/NER/Q/2/Add.1.

Introduction

208. The Committee commends the State party for its accession to the Convention on the Elimination of All Forms of Discrimination against Women. It expresses its appreciation to the State party for its combined initial and second periodic report, which followed the Committee's guidelines for the preparation of reports, while regretting that the report was overdue. The Committee notes the quality of the report, which gave a candid overview of the situation of women and the obstacles towards realizing equality between women and men. The Committee commends the State party for the written replies to the list of issues and questions raised by the pre-session working group, for the oral presentation, which elaborated on the recent developments in the implementation of the Convention in the Niger, and for the responses to the questions posed orally by the Committee.

209. The Committee commends the State party for its high-level delegation, headed by the Minister for the Advancement of Women and Protection of Children and which included representatives of a number of different ministries and offices, a member of the National Assembly, a prosecutor from the Court of Appeal of Niamey and a representative of the National Commission for Human Rights and Fundamental Freedoms. The Committee appreciates the constructive dialogue that took place between the delegation and the members of the Committee.

210. The Committee notes that reservations have been made by the State party to article 2, paragraphs (d) and (f), article 5, paragraph (a), article 15, paragraph 4, and article 16, paragraph 1 (c), (e) and (g), of the Convention.

Positive aspects

211. The Committee commends the State party for its expressed commitment and political will to eliminate discrimination against women. It welcomes the various legal reforms and policies aimed at eliminating discrimination against women and promoting gender equality. In particular, it welcomes Act No. 2000-008, which introduced a quota system for positions reserved for women in decision-making bodies; reforms to the Penal Code in 2004, including provisions prohibiting female genital mutilation and slavery; the adoption of the national policy for the advancement of women, which addresses social, economic, political, legal and cultural issues; the adoption of the Reproductive Health Act in 2006; and the announcement by the delegation that a national gender policy is being finalized.

212. The Committee welcomes the institutional arrangements put in place by the State party for a better implementation of the Convention, including the establishment of the Ministry for the Advancement of Women and Protection of Children; the designation of Advisers on Gender and Development to the President of the Republic and the Prime Minister; and the creation of the National Institute for Monitoring the Advancement of Women, together with the 8 regional institutes and 36 departmental institutes for monitoring the advancement of women.

213. The Committee congratulates the State party for acceding to the Optional Protocol to the Convention in September 2004 and for accepting the amendment to

article 20, paragraph 1, of the Convention in May 2002, concerning the meeting time of the Committee.

Principal areas of concern and recommendations

214. **While recalling the State party's obligation to systematically and continuously implement all the provisions of the Convention, the Committee views the concerns and recommendations identified in the present concluding comments as requiring the State party's priority attention between now and the submission of the next periodic report. Consequently, the Committee calls upon the State party to focus on those areas in its implementation activities and to report on action taken and results achieved in its next periodic report. It calls on the State party to submit the present concluding comments to all relevant ministries and to Parliament so as to ensure their full implementation.**

215. While appreciating the State party's efforts towards implementation of the provisions of the Convention and welcoming the State party's assertion that it is in the process of reviewing, with the aim of removing, its reservations to the Convention, the Committee is concerned about the maintenance of these reservations, which include reservations to article 2, paragraphs (d) and (f), article 5, paragraph (a), article 15, paragraph 4, and article 16, paragraph 1 (c), (e) and (g), of the Convention. The Committee draws the attention of the State party to the fact that reservations to articles 2 and 16 are contrary to the object and purpose of the Convention and notes that the State party has not entered reservations to other human rights treaties, which all contain the principle of equality between women and men and the prohibition of discrimination on the basis of sex.

216. **The Committee urges the State party to expedite its efforts towards the withdrawal, within a concrete time frame, of its reservations to article 2, paragraphs (d) and (f), article 5, paragraph (a), article 15, paragraph 4, and article 16, paragraph 1 (c), (e) and (g), of the Convention.**

217. The Committee is concerned that, although the Constitution of the Niger proclaims that all citizens are equal without distinction as to race, gender or religion, there is no explicit definition of discrimination against women, in accordance with article 1 of the Convention, which prohibits direct and indirect discrimination, in the State party's legislation. The Committee is concerned about the delay in ratification of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa.

218. **The Committee encourages the State party to incorporate in its Constitution or other appropriate legislation a definition of discrimination against women, encompassing both direct and indirect discrimination, in line with article 1 of the Convention, and provisions on the equality of women with men, in line with article 2 (a) of the Convention. The Committee urges the State party to accelerate the process of ratification of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa.**

219. The Committee is concerned that the provisions of the Convention and the general recommendations of the Committee, as well as the Optional Protocol to the Convention are not sufficiently known, including by judges, lawyers and prosecutors, and by women themselves. The Committee is concerned that the Convention has yet to be invoked by women in domestic litigation and applied by

the judiciary. The Committee is concerned that women's ability to bring cases of discrimination before the courts is limited by factors, such as poverty, illiteracy, lack of information about their rights and lack of assistance in pursuing their rights.

220. **The Committee calls upon the State party to intensify its efforts to raise awareness about the Convention and the general recommendations of the Committee, as well as the Optional Protocol to the Convention and to implement training programmes for prosecutors, judges and lawyers that cover all relevant aspects of the Convention and the Optional Protocol so as to firmly establish in the country a legal culture supportive of gender equality and non-discrimination. The Committee urges the State party to provide legal aid services and recommends that sustained awareness-raising and legal literacy campaigns targeting women, including rural women, and non-governmental organizations working on women's issues, be undertaken to encourage and empower women to avail themselves of available procedures and remedies for violations of their rights under the Convention. The Committee requests the State party to remove the impediments women, including rural women, may face in gaining access to justice and encourages the State party to seek assistance from the international community in order to implement measures that in practice will strengthen women's access to justice.**

221. While appreciating the various legal reforms that have taken place, including revisions to the Penal Code, the Committee is concerned about continuing legal provisions and regulations that discriminate against women, including the law on nationality, which does not give women of the Niger who marry foreigners the option to transmit their nationality to their spouse; Decree No. 60-S/MFP/T regulating the remuneration and benefits of government officials; and General Civil Service Regulations that have the effect of denying women access to certain bodies. The Committee is concerned that the drafting of a family code, which began in 1976, has not yet been completed. The Committee is concerned that, although Act No. 62-11, which regulates aspects of personal and family law based on customary rules, has been amended, discriminatory customary laws and practices continue to be applied against women, including in areas of divorce, custody and inheritance. The Committee is further concerned about the adverse impact on women caused by the application of three different sources of law, namely statutory, customary and religious law.

222. **The Committee calls upon the State party to give high priority to its law reform process, to amend, without delay and within a clear time frame, discriminatory laws and regulations and to bring them in line with the Convention. It calls upon the State party to increase its efforts to sensitize Government officials, the National Assembly and public opinion regarding the importance of legal reform to achieve women's de jure equality. It encourages the State party to increase support for law reform through partnerships and collaboration with civil society, women's organizations and community and religious leaders. The Committee urges the State party to harmonize statutory, customary and religious law with the provisions of the Convention. The Committee calls on the State party to study the impact of the implementation of Act No. 62-11, as amended, and make further amendments as necessary to ensure that customary law and practices that are harmful to and discriminate against women are discontinued. It urges the speedy elaboration and adoption of the draft family code or similar legislation in line with the Convention.**

223. The Committee is concerned about the prevalence of a patriarchal ideology with firmly entrenched stereotypes regarding the roles and responsibilities of women and men in the family and society. It is further concerned about the persistence of deep-rooted adverse cultural norms, customs and traditions, including forced and early marriage, female genital mutilation and repudiation, that discriminate against women, perpetuate violence against women and constitute serious obstacles to women's enjoyment of their human rights.

224. **The Committee urges the State party to view culture as a dynamic dimension of the country's life and social fabric, subject to many influences over time and therefore to change. It urges the State party to put in place without delay a comprehensive strategy, including clear goals and timetables, to modify or eliminate negative cultural practices and stereotypes that are harmful to and discriminate against women, and to promote women's full enjoyment of their human rights. It also urges the State party to put in place monitoring mechanisms to regularly assess progress made towards the achievement of established goals. It requests the State party to undertake such efforts in collaboration with civil society, women's organizations and community and religious leaders, and to report on measures taken and results achieved in its next periodic report.**

225. While welcoming the establishment of the national machinery for the advancement of women, the Ministry for the Advancement of Women and Protection of Children, the Committee is concerned that the national machinery may not have sufficient financial and human resources to effectively carry out its work. The Committee is concerned about insufficient coordination and cooperation between the Ministry for the Advancement of Women and Protection of Children and other mechanisms, including the National Institute for Monitoring the Advancement of Women and its regional and departmental institutes, the Advisers on Gender and Development to the President of the Republic and the Prime Minister, and the lack of clarity in their respective mandates.

226. **The Committee recommends that the State party clearly define the mandates and responsibilities of the different mechanisms charged with promoting gender equality, ensure coordination and cooperation among them and ensure they have sufficient financial and human resources to work effectively for the promotion of gender equality and women's enjoyment of their human rights.**

227. While welcoming Act No. 2000-008, which introduced a quota system for positions reserved for women in decision-making bodies, the Committee is concerned that the purpose of temporary special measures, as called for under article 4, paragraph 1, of the Convention, may not be properly understood by the State party.

228. **The Committee recommends that the State party, in its policies and programmes, clearly distinguish between general social and economic policies and programmes that are adopted to implement the Convention, and temporary special measures under article 4, paragraph 1, of the Convention, which are aimed at accelerating the achievement of the de facto equality of women, as clarified by the Committee in general recommendation No. 25. It encourages the State party to strengthen the application of temporary special**

measures to accelerate the achievement of de facto equality between women and men in all sectors.

229. While appreciating the revisions to the Penal Code, including provisions prohibiting female genital mutilation, the Committee is concerned about the prevalence of violence against women in the Niger, including domestic violence, forced and early marriage, sexual abuse of women and female genital mutilation. It is concerned about the lack of data on all forms of violence against women. It is also concerned about the lack of a comprehensive strategy to combat all forms of violence against women.

230. **The Committee urges the State party to place the highest priority on implementing a comprehensive approach to address all forms of violence against women. It encourages the State party to make full use of the Committee's general recommendation No. 19 in such efforts. Such a comprehensive approach should include prevention efforts, training measures aimed at public officials, especially law enforcement personnel, the judiciary, health-care providers and social workers to enhance their capacity to deal with violence against women in a gender-sensitive way, and measures to ensure effective and gender-sensitive support for victims. The Committee urges the State party to raise public awareness, through media and education programmes, that all forms of violence against women, including domestic violence, are unacceptable. It requests the State party to ensure that perpetrators of violence against women are prosecuted and punished with seriousness and speed and that victims have access to means of redress, protection, safe shelters and legal, medical and psychological support. The Committee requests the State party to provide information in its next report on the laws, policies and programmes in place to deal with all forms of violence against women and on the impact of those measures, and statistical data and trends in the prevalence of such violence.**

231. While appreciating the State party's efforts to combat trafficking in women and girls, including the establishment of an inter-ministerial committee responsible for drafting a national plan to combat trafficking in women and children, the Committee is concerned about occurrences of trafficking in the guise of marriage, trade in women commoners and the practice of slavery, as mentioned in the State party's report. The Committee is concerned about the lack of information regarding the extent of trafficking in women and girls.

232. **The Committee urges the State party to intensify its efforts to combat trafficking, forced labour and sexual exploitation of women and girls. It urges the State party to adopt necessary legislation and plans of action and develop a comprehensive anti-trafficking strategy. This should include the collection and analysis of data, the prosecution and punishment of traffickers, and measures for the rehabilitation and social integration of women and girls who are victims of trafficking. It recommends that the State party increase its prevention efforts by addressing the root causes of trafficking, including through gender-sensitive poverty reduction strategies and awareness-raising campaigns. The Committee requests the State party to provide, in its next report, comprehensive information and data on trafficking in women and girls, the persistence of slavery and all forms of slavery — like treatment of women and girls in the**

Niger and the measures taken to prevent and combat such activities, including their impact.

233. While appreciating Act No. 2000-008, which introduced a quota system for positions reserved for women in decision-making bodies, and noting the increase in the representation of women in the National Assembly and in high-level government positions, the Committee is concerned about the continuing underrepresentation of women in public and political life and in decision-making positions, including in the National Assembly, Government, diplomatic service and local bodies.

234. **The Committee encourages the State party to take sustained measures to accelerate women's full and equal participation in elected and appointed bodies. The Committee encourages the State party to consider increasing the 10 per cent quota, which is currently provided for in Act No. 2000-008. It recommends that the State party establish concrete goals and timetables and implement awareness-raising programmes, including with traditional chiefs, to encourage women to participate in public life. It calls on the State party to highlight the importance to society as a whole of women's full and equal participation in leadership positions at all levels of decision-making for the development of the country.**

235. While acknowledging the efforts by the State party aimed at increasing the enrolment of girls in school, the Committee is concerned about the continuing low school enrolment rates for girls and the even lower enrolment rates for girls in higher education. It is concerned about the high illiteracy rates among women. It is also concerned about persistent stereotypes found in school curricula and textbooks.

236. **The Committee urges the State party to raise awareness about the importance of education as a human right and as a basis for the empowerment of women, and to take steps to overcome traditional attitudes and stereotypes that perpetuate lack of compliance with the provisions of article 10 of the Convention. It recommends that the State party implement measures to ensure equal access for girls and women to all levels of education and retention of girls in school, including through temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation No. 25. The Committee calls on the State party to make every effort to improve the literacy level of girls and women, including those from rural areas, through the adoption of comprehensive programmes of formal and non-formal education and through adult education and training. It urges the State party to address effectively the obstacles that prevent girls from enrolling in and completing their education, such as early and forced marriage. It requests the State party to revise educational curricula and textbooks to eliminate gender stereotypes. It encourages the State party to strengthen collaboration with civil society and seek enhanced support from the international community and donor organizations to accelerate compliance with article 10 of the Convention.**

237. While noting provisions on the right to work in the Constitution of the Niger, the ratification of certain International Labour Organization Conventions and other laws, including the Labour Code, prohibiting discrimination against women in the field of employment, the Committee is concerned about their poor implementation and the lack of an efficient monitoring mechanism. The Committee is concerned about the lack of data on women's participation in the labour force and in the

informal sector, especially about their de facto situation. In particular, the Committee lacks a clear picture with regard to women's participation in the labour force in urban and rural areas, their unemployment rates and salary, vertical and horizontal labour force segregation and their ability to benefit from new economic opportunities. The Committee is concerned that some of the State party's labour laws, which are overly protective of women as mothers and restrict women's participation in a number of areas, may create obstacles to women's participation in the labour market and perpetuate gender role stereotypes.

238. **The Committee urges the State party to ensure equal opportunities for, and equal treatment of, women and men in the labour market in accordance with article 11 of the Convention, and in particular to strengthen its labour inspectorate. The Committee urges the State party to intensify its efforts to ensure that all employment-generation programmes are gender-sensitive and that women can fully benefit from them. It calls on the State party to provide in its next report detailed information, including data disaggregated by sex, and analysis on the situation of women in the field of employment, in both the formal and informal sectors, and trends over time, and about measures taken and their impact on realizing equal opportunities for women in the world of work. The Committee recommends that the State party conduct regular reviews of legislation, in accordance with article 11, paragraph 3, of the Convention, with a view to reducing all barriers women face in the labour market.**

239. While noting the efforts made by the State party to improve women's health, including the adoption of the Reproductive Health Act in 2006, the Committee expresses concern about the precarious situation of women's health, including lack of access by women and girls to adequate health-care services, including family planning, particularly in rural areas, high rates of teenage pregnancy and fistula problems; high maternal and infant mortality; low rates of contraceptive use; and harmful traditional practices, such as female genital mutilation which may lead to death.

240. **The Committee recommends that the State party undertake all necessary measures to improve women's access to health care and health-related services and information, including for women in rural areas. It calls on the State party to improve the availability of sexual and reproductive health services, including family planning. It also recommends that programmes and policies be adopted to increase knowledge of and access to affordable contraceptive methods, so that women and men can make informed choices about the number and spacing of children. The Committee also recommends the implementation of a comprehensive maternal and infant mortality reduction programme, with time-bound targets, including measures to increase access to obstetric services. It further recommends that sex education be widely promoted and targeted at girls and boys, with special attention to the prevention of early pregnancies. The Committee urges the State party to raise awareness about the law prohibiting female genital mutilation and ensure the enforcement of this law. It urges the State party to strengthen its awareness-raising and education efforts, targeted at both men and women, to eliminate the practice of female genital mutilation and its underlying cultural justifications. It also encourages the State party to devise programmes for alternate sources of income for those who perform female genital mutilation as a means of livelihood. It requests the State party to take measures to reduce the occurrence of vesico-vaginal fistula and**

provide medical support to those affected by it. It calls on the State party to put in place a system of data collection so as to strengthen the knowledge base for effective policy development and implementation on all aspects of women's health, including monitoring of impact.

241. The Committee is concerned about the widespread poverty among women. The Committee is especially concerned about the situation of rural women, their lack of information and participation in decision-making processes and their lack of access to health care, social security services, education, justice, clean water, electricity, land and credit facilities. The Committee is concerned about the possible adverse impact of agricultural trade liberalization on women and women's low level of participation in trade negotiations.

242. **The Committee urges the State party to pay special attention to the needs of rural women. It urges the State party to ensure that rural women have access to health care, education, justice, adequate housing, clean water, electricity, land and income-generating projects. The Committee calls on the State party to ensure that a gender perspective is included in all poverty reduction plans and strategies. It also recommends that the State party undertake a study to determine the impact of agricultural trade liberalization agreements on the socio-economic conditions of women and ensure women access to information and participation in trade decision-making. The Committee recommends that the State party collect data on the situation of rural women and include such data and analysis in its next periodic report.**

243. The Committee regrets that the report provided insufficient statistical data, disaggregated by sex and ethnicity, on the practical realization of the principle of equality between women and men in all areas covered by the Convention. It also regrets that the report provided insufficient information on the impact and results achieved of legal and policy measures taken.

244. **The Committee requests the State party to include adequate statistical data and analysis, disaggregated by sex and ethnicity, and information on the situation of women with disabilities, in its next report so as to provide a full picture of the implementation of all the provisions of the Convention, in regard to all women. It also recommends that the State party regularly conduct impact assessments of its legislative reforms, policies and programmes to ensure that measures taken achieve the desired goals and that it inform the Committee about the results of these assessments in its next report.**

245. **The Committee urges the State party to utilize fully in its implementation of the obligations under the Convention the Beijing Declaration and Platform for Action, which reinforce the provisions of the Convention, and requests the State party to include information thereon in its next periodic report.**

246. **The Committee also emphasizes that a full and effective implementation of the Convention is indispensable for achieving the Millennium Development Goals. It calls for the integration of a gender perspective and the explicit reflection of the provisions of the Convention in all efforts aimed at the achievement of the Millennium Development Goals and requests the State party to include information thereon in its next periodic report.**

247. **The Committee notes that States' adherence to the seven major international human rights instruments[1] enhances the enjoyment by women of**

their human rights and fundamental freedoms in all aspects of life. Therefore, the Committee encourages the Government of the Niger to consider ratifying the treaties to which it is not yet a party, namely, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

248. **The Committee requests the wide dissemination in the Niger of the present concluding comments in order to make the people, including government officials, politicians, parliamentarians and women's and human rights organizations, aware of the steps that have been taken to ensure de jure and de facto equality of women, and the further steps that are required in that regard. The Committee requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Convention, its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".**

249. **The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report under article 18 of the Convention. The Committee invites the State party to submit its third periodic report, which is due in November 2008, and its fourth periodic report, which is due in November 2012, in a combined report in 2012.**

3. Combined initial, second and third periodic report

Pakistan

250. The Committee considered the combined initial, second and third periodic report of Pakistan (CEDAW/C/PAK/1-3) at its 783rd and 784th meetings, on 22 May 2007 (see CEDAW/C/SR.783 and 784). The Committee's list of issues and questions is contained in CEDAW/C/PAK/Q/3 and Pakistan's responses are contained in CEDAW/C/PAK/Q/3/Add.1.

Introduction

251. The Committee commends the State party for its accession to the Convention on the Elimination of All Forms of Discrimination against Women. It expresses its appreciation to the State party for its combined initial, second and third periodic report, which complied with the Committee's guidelines for preparation of reports and made reference to the Committee's general recommendations, while regretting that the report was overdue.

252. The Committee expresses its appreciation to the State party for submitting its written replies to the list of issues and questions posed by the Committee's pre-session working group and for the oral presentation and further clarifications given in response to the questions posed orally by the Committee.

253. The Committee commends the State party for sending a delegation headed by the Secretary of the Ministry of Women Development, which included representatives of other ministries with responsibility for implementation of the Convention. It expresses its appreciation for the constructive dialogue held between the delegation and the members of the Committee, which provided further insights into the real situation of women in Pakistan.

Positive aspects

254. The Committee commends the State party on its recent legal reforms aimed at eliminating discrimination against women and promoting gender equality. In particular, it welcomes: the 2002 amendment to articles 51 and 59 of the Constitution under the Legal Framework Order to increase women's political participation in the National Assembly and the Senate; the 2000 amendment to the Pakistani Citizenship Act 1951, providing for nationality to the children of foreign spouses; the adoption, in 2002, of the Prevention and Control of Human Trafficking Ordinance; the adoption, in 2004, of the Criminal Law Amendment Act to facilitate prosecution of "honour killing"; and the adoption, in 2006, of the Protection of Women (Criminal Laws Amendment) Act amending some of the Hudood Ordinances.

255. The Committee congratulates the State party for the adoption, in 1998, of the National Plan of Action, the adoption, in 2002, of the National Policy for Advancement and Empowerment of Women, and the launch, in 2005, of the Gender Reform Action Plan.

256. The Committee welcomes the institutional arrangements put in place by the State party in support of implementation of the Convention, including the reorganization, in 2004, of the Ministry of Women Development, and the creation, in 2000, of the National Commission on the Status of Women as well as the establishment of a coordinating mechanism between the federal, provincial and district levels.

257. The Committee welcomes the initiatives undertaken to provide support to women victims of violence, including the creation, by the Ministry of the Interior, of the Gender Crime Cell in the National Police Bureau and the establishment of a Human Rights Wing under the Ministry of Law, Justice and Human Rights, mandated to address human rights violations in the country with a special reference to women.

258. The Committee commends the State party for the establishment, in 1989, of the First Women's Bank aimed at promoting the economic empowerment of women through micro-credit schemes.

259. The Committee commends the State party on the transparent consultative process for preparing the report, which included governmental and civil society members, and its endorsement by the Standing Committee on Women of the National Assembly.

Principal areas of concern and recommendations

260. **While recalling the State party's obligation to systematically and continuously implement all the provisions of the Convention, the Committee views the concerns and recommendations identified in the present concluding comments as requiring the State party's priority attention between now and the submission of the next periodic report. Consequently, the Committee calls upon the State party to focus on those areas in its implementation activities and to report on actions taken and results achieved in its next periodic report. It also calls upon the State party to submit the present concluding comments to all**

relevant ministries and to the Parliament so as to ensure their full implementation.

261. The Committee expresses concern about the declaration made by the State party upon accession to the Convention to the effect that accession to the Convention was subject to the provisions of the Constitution of the Islamic Republic of Pakistan.

262. **While welcoming the State party's confirmation that the declaration entered upon accession does not place any restrictions upon its obligations to adhere fully to all provisions of the Convention, the Committee urges the State party to withdraw its declaration to the Convention without delay.**

263. While noting that the Constitution, in its articles 25 (2) and 27, stipulates equality before the law, including on the basis of sex, the Committee is concerned that the State party's Constitution or other appropriate legislation does not contain a definition of discrimination in accordance with article 1 of the Convention, nor provisions on the equality of women with men in line with article 2 (a) of the Convention.

264. **The Committee recommends that a definition of discrimination against women in line with article 1 of the Convention, which encompasses both direct and indirect discrimination, and provisions on the equality of women with men in line with article 2 (a) of the Convention be included in the Constitution or in other appropriate legislation.**

265. The Committee is concerned that the Convention has not yet been fully incorporated into the domestic law of the State party and that de jure discrimination against women still persists in a number of laws, including: the Citizenship Act, 1951, which does not allow Pakistani women to pass their nationality to a foreign spouse; the Law of Evidence, 1984 on the value of women's testimony; and the Hudood Ordinances, 1979, in particular those related to "Offences of Zina".

266. **The Committee calls upon the State party to undertake a comprehensive and systematic review and revision of all discriminatory legislation, including the Citizenship Act of 1951, the Law of Evidence of 1984 and the Hudood Ordinances of 1979, without delay and with time-bound targets, in order to achieve full compliance with all the provisions of the Convention and the Committee's general recommendations, in consultation with civil society, including women's organizations.**

267. While welcoming that the State party has made some legal reforms to eliminate discrimination against women and promote gender equality, the Committee is concerned that measures are insufficient to ensure the speedy and effective implementation of these new laws, including availability of and access to redress mechanisms. The Committee is concerned that the State party has not taken sufficient concrete action to ensure that judges, magistrates and law enforcement personnel are sufficiently familiar with these legislative reforms.

268. **The Committee requests the State party to provide, in its next report, information on actions taken to ensure the implementation of the revised laws and an assessment of their impact in enhancing the practical realization of the principle of the equality of women and men, as called for in article 2 (a) of the Convention. The Committee also recommends that the State party carry out**

education and training programmes, in particular for judges, lawyers and law enforcement personnel, on the legislative reforms aimed at eliminating discrimination against women and the promotion of gender equality. The Committee recommends that awareness-raising campaigns on the Convention and related laws targeted at women be undertaken so that they may become aware of their rights and avail themselves of redress mechanisms.

269. While welcoming the efforts of the Ministry of Women Development and the National Commission on the Status of Women, the Committee is concerned that the national machinery for the advancement of women does not have enough authority or the human and financial resources to comprehensively carry out its mandate and promote the advancement of women and gender equality. It is also concerned about the limited capacity of the Ministry of Women Development to undertake effective coordination and cooperation with all gender equality mechanisms at the federal and provincial levels, as well as cooperation with women's organizations. The Committee is further concerned about the lack of an effective mechanism to monitor the implementation of the National Plan of Action and the Gender Reform Action Plan based on the standards and provisions of the Convention.

270. **The Committee recommends that the State party strengthen the national machinery by providing it with adequate human and financial resources so as to make it more effective in carrying out its mandate. This should, in particular, include sufficient capacity and authority for coordination of the various gender equality mechanisms to proactively implement the Convention, to act as catalyst for and coordinate the use of the gender mainstreaming strategy across all sectors and levels of Government and for enhanced cooperation with civil society. The Committee also recommends that training and capacity-building measures on gender issues be implemented for public officials at the national, regional and local levels. The Committee further recommends that accountability be established for the consistent application of the standards and provisions of the Convention in the implementation of the National Plan of Action and the Gender Reform Action Plan between the federal, provincial and district levels, through the existing coordination mechanism.**

271. The Committee notes with concern that violence against women and girls persists, including domestic violence, rape and crimes committed in the name of honour. The Committee is especially concerned about the Qisas and Diyat law, which allows for the victim of violence or his/her heir to determine whether to exact retribution (Qisas) or payment of compensation (Diyat) or to pardon the accused, thus providing impunity for perpetrators of violence against women, especially perpetrators of crimes committed in the name of honour. The Committee notes with concern the lack of data on all forms of violence against women in the report.

272. **The Committee urges the State party to accord priority attention to the adoption of a comprehensive approach to address all forms of violence against women and girls, taking into account the Committee's general recommendation 19 on violence against women. The Committee calls on the State party to ensure that the Qisas and Diyat law has no application in cases of violence against women, especially crimes committed in the name of honour, and to adopt the Bill on Domestic Violence, within a clear time frame, in order to ensure that women and girls who are victims of violence have access to protection and effective redress and that perpetrators of such acts are effectively prosecuted**

and punished. The Committee also recommends gender-sensitive training on violence against women for public officials, in particular law enforcement personnel, the judiciary and health service providers, to ensure they are sensitized to all forms of violence against women and can adequately respond to it. The Committee also calls on the State party to include, in its next report, data on all forms of violence against women disaggregated by rural and urban areas.

273. The Committee is concerned that informal dispute resolution forums (jirgas) continue to function and take decisions that call for the perpetration of violence against women, despite the ruling of a superior court requiring the elimination of such forums.

274. **The Committee urges the State party to, without delay, implement the judgment of the superior court to eliminate informal dispute resolution forums (jirgas) and to ensure that members of such forums who have participated in decisions that constitute violence against women are held accountable.**

275. The Committee is concerned about the lack of accountability for crimes of violence against women within the criminal justice system.

276. **The Committee recommends that the State party take measures to end impunity for acts of violence against women by ensuring prosecution and punishment of offenders. In addition, it calls on the State party to impose sanctions upon its agents who fail to meet their obligations in cases of crimes of violence against women.**

277. The Committee is strongly concerned about pervasive patriarchal attitudes and deep-rooted traditional and cultural stereotypes regarding the roles and responsibilities of women and men in the family, in the workplace and in society, which constitute serious obstacles to women's enjoyment of their human rights and impede the full implementation of the Convention. The Committee is also concerned that prevailing trends of fundamentalism, intimidation and violence incited by non-State actors, including through illegal media, are seriously undermining women's enjoyment of their human rights in the name of religion.

278. **The Committee urges the State party to increase its efforts to design and implement comprehensive awareness-raising programmes to foster a better understanding of and support for equality between women and men at all levels of society. Such efforts should aim at modifying stereotypical attitudes and traditional norms about the responsibilities and roles of women and men in the family, the workplace and in society, as required under articles 2 (f) and 5 (a) of the Convention, and to strengthen societal support for equality between women and men. The Committee also calls on the State party to take prompt action to counteract the influence of non-State actors, which, through the misinterpretation of Islam and the use of intimidation and violence, are undermining the enjoyment by women and girls of their human rights.**

279. The Committee remains concerned that Pakistan is a country of origin, transit and destination for trafficked women and girls. The Committee is further concerned that the Prevention and Control of Human Trafficking Ordinance of 2002 does not adequately address the needs of women and girls who are victims of trafficking, nor does it shield them from prosecution for illegal migration.

280. **The Committee calls upon the State party to amend the Prevention and Control of Human Trafficking Ordinance of 2002 in order to ensure that the human rights of women and girls who are victims of trafficking are protected. The Committee encourages the State party to ratify the United Nations Convention against Transnational Organized Crime and its Supplementary Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. It urges the State party to collect and analyse data on trafficking and increase its efforts to prosecute and punish traffickers. It also recommends that the State party take measures for the rehabilitation and social integration of women and girls who are victims of trafficking.**

281. While appreciating the reservation of 60 seats for women in the National Assembly, 17 seats in the Senate and 33 per cent of seats in local bodies, the Committee is concerned about the continuing low representation of women in government service. The Committee notes with particular concern the low number of women judges in the high courts and the total absence of women judges in the Supreme Court.

282. **The Committee encourages the State party to take sustained measures, including temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25, to accelerate the increase in the representation of women in elected and appointed bodies in all areas of public and political life. The Committee invites the State party to provide, in its next periodic report, comparative data on the number and ranking of women, compared to men, at federal and provincial levels of government service and in the judiciary and trends over time. It also requests the State party to provide information about women's ability to exercise, without de jure and de facto restrictions, their right to participate in all spheres of the public life of the country. It invites the State party to provide information about the impact of measures taken to increase the participation of women, in public and political life, especially at decision-making levels.**

283. The Committee is concerned about the inadequacy of registration of birth and marriages. While noting the State party's efforts to address the fact that almost 50 per cent of women do not hold a national identity card, the Committee remains concerned that a high percentage of women may be prevented from exercising their right to vote and gain access to government assistance schemes.

284. **The Committee urges the State party to step up its efforts to ensure universal registration of births and marriages and to ensure that all women have national identity cards. It calls on the State party to provide information, in its next periodic report, on the percentage of women, compared to men, who possess national identity cards.**

285. The Committee is concerned about the high illiteracy rate of women, the low enrolment of girls in schools and their high dropout rate, especially in rural areas. The Committee is further concerned at the persistence of gender-based segregation in educational fields and its consequences for women's professional opportunities. The Committee is also concerned about the persistence of stereotypes in school curricula and textbooks.

286. **The Committee calls upon the State party to place high priority on the reduction of the illiteracy rate of women, in particular those who are from**

rural areas. The Committee urges the State party to enhance its compliance with article 10 of the Convention and to raise awareness of the importance of education as a human right and a basis for the empowerment of women. It encourages the State party to take steps to overcome traditional attitudes that constitute obstacles to girls' and women's education and recommends that the State party implement measures to ensure equal access of girls and women to all levels of education and the retaining of girls in school. It further recommends that women be actively encouraged to diversify educational and professional choices. It requests the State party to undertake a comprehensive review of educational curricula and textbooks to eliminate gender stereotypes and to introduce gender sensitization training for teachers.

287. The Committee expresses concern at the discrimination faced by women in the formal employment, as reflected in their higher unemployment rates, the gender wage gap and occupational segregation. It is also concerned about the situation of women engaged in the informal sector, especially the home-based workers who do not enjoy protection under the labour laws.

288. **The Committee urges the State party to ensure equal opportunities for women and men in the labour market, in accordance with article 11 of the Convention. The Committee calls on the State party to provide, in its next report, detailed information about the situation of women in the field of employment, in both the formal and informal sectors, about measures taken, including legislation, programmes, monitoring mechanisms and remedies, and their impact on realizing equal opportunities for women. The Committee also calls upon the State party to ratify the International Labour Organization (ILO) Convention No. 177 on Home Work.**

289. The Committee is concerned about women's lack of access to health care, in particular to sexual and reproductive health services, especially in rural areas, and the link between the rate of abortion and low contraceptive use. Clandestine abortions being a major cause of maternal mortality, the Committee is deeply concerned that abortion is a punishable offence under Pakistani law, which may lead women to seek unsafe, illegal abortions, with consequent risks to their life and health.

290. **The Committee calls on the State party to take concrete measures to enhance women's access to health care, in particular to sexual and reproductive health services, in accordance with article 12 of the Convention and the Committee's general recommendation 24 on women and health. It requests the State party to take measures aimed at the prevention of unwanted pregnancies, including by making a comprehensive range of contraceptives and family planning methods more widely available and affordable, without any restrictions, and by increasing knowledge and awareness about family planning among women and men. The Committee also calls on the State party to reduce maternal mortality rates by identifying and addressing causes of maternal death. It further calls on the State party to take measures to ensure that women do not seek unsafe medical procedures, such as illegal abortion, because of lack of appropriate services in regard to fertility control. The Committee recommends that the State party review the laws relating to abortion with a view to removing punitive provisions imposed on women who undergo abortion, providing them with access to quality services for the management of**

complications arising from unsafe abortion and reducing maternal mortality rates, in accordance with the Committee's general recommendation 24 on women and health and the Beijing Declaration and Platform for Action. Noting the improvement in the indicators of women's health where the Lady Health Worker programme is being implemented, the Committee recommends that steps be taken to expand this programme to the rural and other areas where they are most needed. The Committee encourages the State party to seek international assistance from the specialized agencies of the United Nations system, including the United Nations Development Programme, the United Nations Population Fund and the World Health Organization, in order to implement measures to enhance women's access to health care.

291. The Committee is especially concerned about the situation of women in rural areas, who often lack access to health care, education, clean water and sanitation services and to the means and opportunities for economic survival, including access to land. The Committee regrets the lack of information on women with disabilities and measures taken to address their situation.

292. **The Committee urges the State party to pay special attention to the needs of rural women, ensuring that they are empowered in participating in decision-making processes and have access to health care, education, clean water and sanitation services and the means and opportunities for economic survival, including access to land. The Committee further requests the State party to provide, in its next report, detailed information on the situation of women with disabilities and of measures taken to address their situation.**

293. The Committee expresses concern that under the Dissolution of Muslim Marriage Act of 1939 women do not enjoy equal rights with men during the dissolution of marriage. It also notes with concern that under the Child Marriage Restraint Act of 1929 the minimum age for marriage for boys is 18 years and for girls 16 years. The Committee is further concerned about the persistence of forced and early marriage.

294. **The Committee urges the State party to amend the Dissolution of Muslim Marriage Act of 1939 to eliminate all discriminatory provisions, including with regard to raising the minimum legal age of marriage for girls to 18 years in order to bring it into line with article 1 of the Convention on the Rights of the Child, article 16, paragraph 2, of the Convention on the Elimination of All Forms of Discrimination against Women and its general recommendation 21 on equality in marriage and family relations. It also requests the implementation of measures to eliminate forced marriages.**

295. While noting the various programmes carried out to promote women's rights, the Committee regrets the lack of information in the report on the impact of such programmes.

296. **The Committee calls upon the State party to include detailed information on the scale and scope, and especially the impact, of all programmes carried out to promote women's rights in its next report.**

297. **The Committee encourages the State party to ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women and to accept, as soon as possible, the amendment to article 20, paragraph 1, of the Convention concerning the meeting time of the Committee.**

298. **The Committee urges the State party to utilize fully in its implementation of its obligations under the Convention, the Beijing Declaration and Platform for Action, which reinforce the provisions of the Convention, and requests the State party to include information thereon in its next periodic report.**

299. **The Committee also emphasizes that a full and effective implementation of the Convention is indispensable for achieving the Millennium Development Goals. It calls for the integration of a gender perspective and explicit reflection of the provisions of the Convention in all efforts aimed at the achievement of the Millennium Development Goals and requests the State party to include information thereon in its next periodic report.**

300. **The Committee notes that States' adherence to the seven major international human rights instruments[1] enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. Therefore, the Committee encourages the Government of Pakistan to consider ratifying the treaties to which it is not yet a party, namely, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Convention on the Protection of the Rights of Migrant Workers and Members of Their Families.**

301. **The Committee requests the wide dissemination in Pakistan of the present concluding comments in order to make the people, including government officials, politicians, parliamentarians and women's and human rights organizations, aware of the steps that have been taken to ensure de jure and de facto equality of women and the further steps that are required in that regard. The Committee requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Convention, its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".**

302. **The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report under article 18 of the Convention, which is due in April 2009.**

Vanuatu

303. The Committee considered the combined initial, second and third periodic report of Vanuatu (CEDAW/C/VUT/1-3) at its 779th and 780th meetings, on 18 May 2007 (CEDAW/C/SR.779 and 780). The Committee's list of issues and questions is contained in CEDAW/C/VUT/Q/3 and the responses of Vanuatu are contained in CEDAW/C/VUT/Q/3/Add.1.

Introduction

304. The Committee commends the State party for ratifying the Convention on the Elimination of All Forms of Discrimination against Women without reservations. It expresses its appreciation to the State party for its combined initial, second, and third periodic report, which followed the Committee's guidelines for the preparation of reports, but which was long overdue and did not provide enough statistical data disaggregated by sex. The Committee expresses its appreciation to the State party

for the oral presentation, the written replies to the list of issues and questions raised by its pre-session working group, and the further clarifications to the questions orally posed by the Committee.

305. The Committee commends the State party for its high-level delegation, headed by the Minister of Justice and Social Welfare, and which included representatives of different government departments with expertise in a broad range of areas covered by the Convention. The Committee appreciates the frank and constructive dialogue that took place between the delegation and the members of the Committee.

306. The Committee congratulates the State party for its accession, on 17 May 2007, to the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.

307. The Committee notes with appreciation that the report was prepared in a participatory process involving government bodies and non-governmental organizations.

Positive aspects

308. The Committee commends the State party for achieving parity in primary education and meeting one of its targets under goal 3 (eliminating gender disparity in primary education) of the Millennium Development Goals, which corresponds to article 10 of the Convention.

309. The Committee commends the State party on its microfinance programmes, particularly the introduction and expansion of the VANWODS scheme targeting disadvantaged women and the *Sevem Fastaim* or "Save it First" scheme.

310. The Committee welcomes the State party's attention given to women with disabilities in the national disability policy and its endorsement of the Biwako Millennium Framework for Action Towards an Inclusive Barrier-free and Rights-based Society for Persons with Disabilities in Asia and the Pacific during the Decade of Disabled Persons, 2003-2012. It also commends the State party on the establishment of the National Disability Committee.

Principal areas of concern and recommendations

311. **While recalling the State party's obligation to systematically and continuously implement all the provisions of the Convention, the Committee views the concerns and recommendations identified in the present concluding comments as requiring the State party's priority attention between now and the submission of the next periodic report. Consequently, the Committee calls upon the State party to focus on those areas in its implementation activities and to report on action taken and results achieved in its next periodic report. It also calls upon the State party to submit the present concluding comments to all ministries and to Parliament so as to ensure their full implementation.**

312. The Committee is concerned that, although the Convention was ratified in 1995, the Convention has not yet been fully incorporated into domestic legislation. The Committee is deeply concerned that the Constitution gives equal status to cultural and religious norms, some of which have an adverse impact on women's enjoyment of their human rights, with legal norms. The Committee is further concerned that the principle of equality of women and men and the prohibition of

discrimination lacks primacy over contradictory norms of customary law. The Committee is also concerned that neither the Constitution nor other domestic legislation contain a definition of discrimination against women in accordance with article 1 of the Convention, which prohibits both direct and indirect discrimination.

313. **The Committee urges the State party to proceed without delay with the full incorporation of the Convention into the domestic legal system. It also calls on the State party to clarify the primacy of the principle of equality of women and men and the prohibition of discrimination, over customary law. It calls on the State party to include in domestic law a definition of discrimination against women that encompasses both direct and indirect discrimination in line with article 1 of the Convention. It encourages the State party to sensitize the judiciary, lawyers and prosecutors to the provisions of the Convention and to the Optional Protocol.**

314. While noting the efforts undertaken to identify and amend discriminatory legal provisions, the Committee is concerned about the lack of priority afforded to comprehensive legal reform to eliminate sex-discriminatory provisions and close legislative gaps to bring the country's legal framework fully into compliance with the provisions of the Convention. The Committee is concerned, in particular, about the delay in passage of the family protection bill and the revision of the Citizenship Act.

315. **The Committee requests the State party to complete without delay its legislative reform so as to ensure that all discriminatory legislation is amended or repealed to bring it into compliance with the Convention and the Committee's general recommendations. It encourages the State party to set a clear timetable for such reforms, in particular for the passage of the family protection bill and the revision of the Citizenship Act, and to raise awareness of legislators on the need to achieve de jure and de facto equality for women.**

316. The Committee notes with concern that, while the Convention refers to the concept of equality, the terms "equality" and "equity" are used in the State party's plans and programmes in such a way that could be interpreted as being synonymous or interchangeable.

317. **The Committee requests the State party to take note that the terms "equity" and "equality" are not synonymous or interchangeable, and that the Convention is directed towards eliminating discrimination against women and ensuring de jure and de facto (formal and substantive) equality between women and men. The Committee therefore recommends that the State party expand the dialogue among public entities, civil society and academia in order to clarify the understanding of equality in accordance with the Convention.**

318. The Committee is concerned that the Convention on the Elimination of All Forms of Discrimination against Women has yet to be given central importance as the basis for the elimination of all forms of discrimination against women and the achievement of gender equality through appropriate means.

319. **The Committee requests the State party to base its efforts to achieve gender equality and the advancement of women on the comprehensive scope of the Convention. It encourages the State party to reflect the scope of the Convention in appropriate legislation and in all Government plans and policies, across all sectors and levels.**

320. The Committee is concerned that the Department of Women's Affairs does not have the institutional authority, capacity and resources to effectively promote implementation of the Convention and coordinate the use of the gender mainstreaming strategy across all sectors and levels of Government, including in remote/rural areas. The Committee is concerned about the lack of assessments undertaken on the impact of measures taken, notably of the Department of Women's Affairs' Plan of Action 2003-2006.

321. **The Committee recommends that the State party expeditiously strengthen the national machinery, namely the Department of Women's Affairs, by providing it with the necessary authority and adequate human and financial resources that are necessary to coordinate and work effectively for the promotion of gender equality and to use a gender mainstreaming strategy in all policies and programmes across all sectors and levels of Government. It also requests the State party to strengthen its impact assessments of measures taken so as to ensure that such measures achieve their goals and targets.**

322. While noting with satisfaction the provision for temporary special measures in article 5 (1) (k) of the Constitution, the Committee is concerned about the State party's lack of clarity of the purpose of such measures and their limited use.

323. **The Committee recommends that the State party draw up a concrete plan for the application of temporary special measures in various areas, particularly in education and women's participation in political and public decision-making, in accordance with article 4, paragraph 1, of the Convention, and with the Committee's general recommendation 25. Such a plan should contain concrete goals, such as quotas and timetables, in order to accelerate the realization of women's substantive equality with men.**

324. The Committee is concerned about the persistence of adverse cultural norms, practices and traditions, as well as patriarchal attitudes and deep-rooted stereotypes, regarding the roles, responsibilities and identities of women and men in all spheres of life. The Committee is concerned that such customs and practices perpetuate discrimination against women, and are reflected in women's disadvantageous and unequal status in many areas, including in public life and decision-making, and in marriage and family relations, and the persistence of violence against women, and that so far, the State party has taken ad hoc, rather than sustained and systematic, action to modify or eliminate stereotypes and negative cultural values and practices.

325. **The Committee requests the State party to view its specific culture as a dynamic aspect of the country's life and social fabric and therefore subject to change. It urges the State party to put in place without delay a comprehensive strategy, including legislation, to modify or eliminate cultural practices and stereotypes that discriminate against women, in conformity with articles 2 (f) and 5 (a) of the Convention. Such measures should include awareness-raising efforts targeting women and men at all levels of society, including traditional leaders, and be undertaken in collaboration with civil society and women's organizations. The Committee encourages the State party to effectively use innovative measures in targeting young people and adults through the educational system to strengthen understanding of the equality of women and men, and to work with the media so as to enhance a positive and non-stereotypical portrayal of women. It also requests the State party to put in**

place monitoring mechanisms and to regularly assess progress made towards the achievement of established goals in this respect.

326. The Committee is concerned about the prevalence of violence against women and girls, including cultural practices that constitute, or perpetuate, violence against women. The Committee is especially concerned about the use of customary methods of punishment (*kastom faen*) in cases of rape, which may act as a substitute for or lessen the punishment of offenders provided for in the law.

327. **The Committee urges the State party to give priority attention to combating violence against women and to adopt comprehensive measures to address all forms of violence against women and girls, in accordance with its general recommendation 19. It requests the State party to raise public awareness, through media and education programmes, that all forms of violence against women, including domestic violence, are a form of discrimination under the Convention and unacceptable. The Committee calls on the State party to enact legislation concerning all forms of violence against women, including sexual abuse and sexual harassment, as soon as possible, so as to ensure that violence against women and girls constitutes a criminal offence. It calls on the State party to ensure that women and girls who are victims of violence have access to immediate and effective means of redress and protection and that perpetrators are prosecuted and punished. The Committee requests the State party to remove impediments women face in gaining access to justice, and recommends that legal aid be made available to all victims of violence, particularly in rural/remote areas. The Committee recommends the implementation of training for the judiciary and public officials, in particular law enforcement personnel, and health-service providers, in order to ensure that they are sensitized to all forms of violence against women and can provide adequate support to victims.**

328. The Committee is concerned about the underrepresentation of women at all levels of political and public life, in particular in Parliament, the judiciary, the diplomatic service and appointed decision-making bodies in education and administration, such as the Teachers' Services Commission.

329. **The Committee requests the State party to strengthen and implement measures to increase the number of women in elected and appointed office, including the judiciary, so as to comply with articles 7 and 8 of the Convention. The Committee recommends that the State party fully utilize general recommendation 23, concerning women in public life. It calls on the State party to use temporary special measures, in accordance with article 4, paragraph 1, of the Convention and general recommendation 25, in order to accelerate women's full and equal participation in public and political life, particularly at high levels of decision-making. It also recommends that steps be taken to make the 30 per cent quota for women in parliamentary elections, recommended by the Electoral Commission of Vanuatu, a requirement for all political parties. It further recommends that the State party conduct training programmes on leadership and negotiation skills for current and future women leaders. It further suggests the implementation of awareness-raising activities on the importance of women's participation in decision-making for society as a whole.**

330. The Committee is concerned that the Citizenship Act does not comply with the provisions of the Convention. The Committee is particularly concerned that a man

married to a ni-Vanuatu woman is not entitled to citizenship, while a woman married to a ni-Vanuatu man enjoys that entitlement. The Committee is also concerned that a man applying for citizenship after 10 years of residence can include his wife and children in his application, whereas a woman cannot.

331. **The Committee requests the State party to amend without delay the Citizenship Act so as to bring it into compliance with article 9 of the Convention.**

332. While appreciating the State party's achievement of parity in primary education, and its commitment to achieve, by 2015, access for all children to free and compulsory primary education of good quality, and also the State party's geographical constraints, the Committee is concerned at the high levels of adult women's illiteracy, low enrolment of girls in secondary and higher levels of education, and girls' high drop-out rates. It is also concerned by the marked difference in the quality of and access to education in urban and rural/remote areas, including the lack of sufficient boarding facilities for girls. It is also concerned about the lack of curricula reform and the low number of female teachers, especially in secondary and higher levels of education.

333. **The Committee requests the State party to raise awareness of the importance of education as a fundamental human right and as a basis for the empowerment of girls and women. It recommends that the State party enhance attention to its obligations under article 10 of the Convention in the implementation of its national action plan for education for all so as to achieve equal access of all girls to all levels of education, and increase girls' retention rates. The Committee recommends the expansion of the use of temporary special measures, including incentives to parents, especially in rural or remote areas, and scholarships to girl students. The Committee requests the State party to undertake a comprehensive curricula review and to introduce gender-sensitive curricula and teaching methods that address the structural and cultural causes of discrimination against women, and to introduce gender sensitization training for teachers. It also encourages the State party to increase the number of female teachers, especially in rural/remote areas, at the secondary level and in leadership positions. It also encourages the State party to take further measures to improve adult literacy. It invites the State party to work in collaboration with civil society and seek the support of the international community to accelerate compliance with all provisions of article 10 of the Convention.**

334. The Committee expresses concern at the discrimination faced by women in employment, as reflected in the wage gap and occupational segregation. It is also concerned about the differential treatment of women working in the public and private sectors, especially as regards maternity leave. The Committee is also concerned that no clear information was provided about the status and content of the Employment Act, whether it includes clear prohibitions of discrimination based on sex and marital status, and provisions on equal pay for work of equal value and against sexual harassment in the workplace, and whether it covers workers in the public and private sectors. While noting the expansion in membership of the National Provident Fund, the Committee is concerned that many women have limited or no access to the insurance benefits provided by the Fund.

335. **The Committee requests the State party to ensure equal opportunities for women in the labour market, in accordance with article 11 of the Convention. It calls on the State party to ensure that legal provisions apply to both the public and private sectors, especially in relation to maternity leave. The Committee requests the State party to provide in its next periodic report detailed information about legal provisions, and their implementation, on equal pay for work of equal value and provisions on sexual harassment, including complaint mechanisms and statistical information concerning their use. The Committee recommends the expansion of access to the National Provident Fund, including through the extension of membership to additional categories of workers, such as domestic workers, informal or casual workers and non-wage workers.**

336. While recognizing geographical constraints, the Committee is concerned about the status of women's health, particularly of women in the rural/remote areas, who experience difficulties in accessing affordable and appropriate health care, in a timely manner. The Committee is also concerned about the high rate of teenage pregnancies, and that existing sex education programmes are not sufficient and may not give enough attention to all aspects of prevention, including prevention of sexually transmitted infections. The Committee is further concerned about the lack of sufficient data on women's health situation.

337. **The Committee urges the State party to take concrete measures to enhance all aspects of health care for women, including sexual and reproductive health services, in accordance with article 12 of the Convention and the Committee's general recommendation 24 on women and health. It requests the State party to strengthen measures aimed at the prevention of teenage pregnancies and sexually transmitted infections by increasing knowledge about family planning and awareness of existing services. This should include the provision of comprehensive, youth-friendly sexual and reproductive health services, confidence-building programmes and age-appropriate sex education as part of the formal and non-formal education curricula, targeted at girls and boys.**

338. The Committee expresses concern about the difficult situation of women in rural/remote areas, including access to health care, education and literacy programmes, and income-generation opportunities, including access to training, markets and credit.

339. **The Committee recommends that the State party pay special attention to the situation of women living in rural/remote areas so as to enhance compliance with article 14 of the Convention. In particular, the Committee calls upon the State party to enhance access for women in these areas to health care, education and literacy programmes, and income-generation opportunities, including access to training opportunities, credit facilities and markets. It invites the State party to use the successful example of existing microfinance programmes to give women enhanced access to savings and income-generation projects.**

340. The Committee is concerned that discriminatory provisions persist in the customary law governing marriage and family relations, which permit polygamy and the practice of *kastom*, or exchange of gifts, and in regard to access to and property of land, and inheritance. It is also concerned that in practice, women's access to justice is limited by factors such as lack of knowledge and awareness about their rights, lack of legal assistance, practical difficulties in accessing courts, legal costs

and the prevalence of the use of customary or "island" courts in particular in rural and remote areas.

341. **The Committee urges the State party to complete its law reform in the area of family law in accordance with articles 15 and 16 of the Convention, within a specific time frame, and ensure that spouses have the same rights and responsibilities both during marriage and in the event of its dissolution. It requests the State party to enhance women's access to justice, including by raising women's awareness of their rights, and access to the courts to claim all their rights. The Committee recommends that the State party undertake targeted awareness-raising measures to ensure that customary or "island" courts are familiar with the concept of equality of the Convention so that their rulings are not discriminatory against women, especially with regard to land ownership and inheritance, and further to ensure that decisions of customary courts can be appealed in the formal legal system.**

342. The Committee is concerned that the law provides for different ages of marriage for women and men — 16 years for women and 18 for men.

343. **The Committee urges the State party to raise the minimum age of marriage for women to 18 years, in line with article 16 of the Convention, the Committee's general recommendation 21 and the Convention on the Rights of the Child.**

344. **The Committee requests the State party to enhance collection of data disaggregated by sex in all areas covered by the Convention and to include adequate statistical data and analysis, disaggregated by sex, in its next report, so as to provide a full picture of the implementation of all the provisions of the Convention. It also recommends that the State party regularly conduct impact assessments of its legislation, policies and programmes to ensure that measures taken lead to the desired goals, and that it inform the Committee about the results achieved in the implementation of the Convention in its next report.**

345. **The Committee notes that States' adherence to the seven major international human rights instruments enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life.[1] Therefore, the Committee encourages the Government of Vanuatu to consider ratifying the treaties to which it is not yet a party; that is, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.**

346. **The Committee requests the wide dissemination in Vanuatu of the present concluding comments in order to make the people, including government officials, politicians, parliamentarians and women's and human rights organizations, aware of the steps that have been taken to ensure de jure and de facto equality of women, as well as the further steps that are required in that regard. The Committee requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Convention, its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the outcome of the twenty-**

third special session of the General Assembly on the theme "Women 2000: gender equality, development and peace for the twenty-first century".

347. **The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report under article 18 of the Convention. The Committee invites the State party to submit its fourth periodic report, which is due in October 2008, and its fifth periodic report, which is due in October 2012, in a combined report.**

4. Combined initial, second, third, fourth and fifth periodic report

Sierra Leone

348. The Committee considered the combined initial, second, third, fourth and fifth periodic report of Sierra Leone (CEDAW/C/SLE/5) at its 777th and 778th meetings, on 17 May 2007 (CEDAW/C/SR.777 and 778). The Committee's list of issues and questions is contained in CEDAW/C/SLE/Q/5, and the responses of Sierra Leone are contained in CEDAW/C/SLE/Q/5/Add.1.

Introduction

349. The Committee commends the State party for ratifying the Convention on the Elimination of All Forms of Discrimination against Women without reservations. It expresses its appreciation to the State party for its combined initial, second, third, fourth and fifth periodic report, which followed the Committee's guidelines for the preparation of reports, was very informative and provided a candid picture of the situation of women in Sierra Leone, but which was long overdue. The Committee also expresses its appreciation for the written replies to the list of issues and questions raised by the pre-session working group and for the oral presentation and responses to the questions posed by the Committee.

350. The Committee commends the State party for its delegation headed by the Deputy Minister of Social Welfare, Gender and Children's Affairs, and which included the Permanent Representative of Sierra Leone to the United Nations and representatives from different ministries of the Government with expertise in a broad range of areas covered by the Convention. The Committee expresses its appreciation for the frank and constructive dialogue held between the delegation and the members of the Committee.

351. The Committee commends the State for signing the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women in 2000 and looks forward to its ratification.

Positive aspects

352. The Committee notes with appreciation that the combined initial, second, third, fourth and fifth periodic report was prepared in a participatory process involving government bodies and non-governmental organizations.

353. The Committee congratulates the State party on its efforts to review and revise legislation that discriminates against women, as well as elaborate the three bills presently before Parliament, namely, the registration of customary marriages and divorce, intestate succession and domestic violence bills. The Committee also

congratulates the State party on the enactment of the Anti-Human Trafficking Act of 2005.

354. The Committee notes with appreciation that the Local Government Act of 2004 established a 50 per cent quota for women on Ward Development Committees in districts and towns.

355. The Committee expresses its appreciation for the regular cooperation and partnership with non-governmental organizations in efforts aimed at implementing the Convention.

Principal areas of concern and recommendations

356. **While recalling the State party's obligation to implement systematically and continuously all provisions of the Convention, the Committee views the concerns and recommendations identified in the present concluding comments as requiring the State party's priority attention between the present time and the time of submission of the next periodic report. Consequently, the Committee calls upon the State party to focus on those areas in its implementation activities and to report on the action taken and the results achieved in its next periodic report. It calls upon the State party to submit the present concluding comments to all relevant ministries and to Parliament so as to ensure their full implementation.**

357. The Committee is concerned that, although Sierra Leone ratified the Convention in 1988, the Convention still has not been domesticated as part of Sierra Leonean law. It notes with concern that, short of such full domestication, the relevance of the Convention has not yet been established in the State party. While welcoming the efforts of the State party at legislative reform in several fields such as marriage, divorce, inheritance and domestic violence, it is concerned at the delay in their enactment by Parliament, and that other legislation and customary laws that discriminate against women remain in force.

358. **The Committee urges the State party to place high priority on completing the process of full domestication of the Convention. It calls on the State party to accelerate its law review process and to work effectively with Parliament in ensuring that all discriminatory legislation is amended or repealed to bring it into compliance with the Convention and the Committee's general recommendations. It urges the State party to place highest priority on the enactment, during the current Parliamentary session, of pending draft bills that will strengthen compliance with the Convention, in particular the registration of customary marriages and divorces bill, the intestate succession bill and the domestic violence bill. The Committee also calls on the State party to take a holistic approach to law reform that will ensure women's de jure equality as well as substantive (de facto) equality.**

359. The Committee is concerned about section 27 (4) (d) of the Constitution, which provides that the guarantee against non-discrimination does not apply with respect to adoption, marriage, divorce, burial, devolution of property on death or other interests of personal law, as this provision discriminates against women and is in violation of the Convention. In this regard, the Committee welcomes the recommendation by the Constitutional Review Committee of the repeal of section 27 (4) (d) of the Constitution.

360. **The Committee urges the State party to take all appropriate measures, and without delay, to repeal section 27 (4) (d) of the Constitution in order to guarantee equal rights of women and men in line with article 2 (a) of the Convention. The Committee encourages the State party to take comprehensive steps, including awareness-raising and sensitization campaigns on the Convention as a legally binding human rights instrument, to ensure that its repeal is approved in the referendum during the next elections, scheduled for August 2007.**

361. The Committee is concerned about the weak institutional capacity of the Ministry of Social Welfare, Gender and Children's Affairs, the national machinery for the advancement of women. The Committee is concerned that the Ministry is chronically lacking in resources and understaffed and does not have the authority or capacity to work effectively for the full implementation of the Convention or to act as catalyst for and coordinate the use of a gender mainstreaming strategy across all sectors of Government, and at provincial and local governmental levels.

362. **The Committee calls on the State party to give urgent priority to the strengthening of the national machinery for the advancement of women, and provide it with sufficient authority, decision-making power and human and financial resources, including at the provincial and local levels, which are necessary to coordinate and work effectively for the promotion of gender equality and the use of a gender mainstreaming strategy in all policies and programmes across all sectors and levels of Government.**

363. While noting the National Policy on the Advancement of Women and the Gender Mainstreaming Policy of 2000, the Committee is concerned at the lack of effective monitoring of their implementation at all levels and sectors of Government.

364. **The Committee recommends that the State party assess the status of implementation of its policies for the advancement of women and gender mainstreaming. It encourages the State party to fully utilize the momentum and partnerships generated during the process of the preparation of its report under article 18 of the Convention, as well as the Committee's present concluding comments to review the current policy and further elaborate a comprehensive operational plan for the promotion of gender equality and advancement of women. This would cover legal, policy and programme measures and contain clear goals, benchmarks and timetables as well as mechanisms for regular and systematic monitoring and evaluation of progress in its implementation, including development of indicators, and in compliance with all the provisions of the Convention. It encourages the State party to seek the support of the international and donor community in the implementation of such a plan.**

365. The Committee expresses concern that temporary special measures are neither provided for in law nor used by the State party to accelerate the achievement of de facto equality between women and men in all areas of the Convention, including participation of women in political and public life (articles 7 and 8 of the Convention), education (article 10 of the Convention) and employment in the formal economy (article 11 of the Convention), where the number of women and girls remains unacceptably low.

366. **The Committee encourages the State party to establish a legislative basis for the use of temporary special measures, either in the Constitution or other appropriate legislation, in accordance with article 4, paragraph 1 of the Convention and the Committee's general recommendation 25. It draws the State party's attention to the fact that such measures are part of a necessary strategy towards the accelerated achievement of substantive equality for women in all areas covered by the Convention. It urges the State party to establish concrete goals, such as quotas and timetables to accelerate achievement of substantive equality between women and men for each area.**

367. The Committee is deeply concerned about the persistence of adverse cultural norms, practices and traditions and of patriarchal attitudes and deep-rooted stereotypes regarding the roles, responsibilities and identities of women and men in all spheres of life. The Committee is concerned that such norms, customs and practices justify and perpetuate discrimination against women, including violence against women, and that no sustained and systematic action has yet been taken by the State party to modify or eliminate such negative cultural values, practices and stereotypes.

368. **The Committee urges the State party to view culture as a dynamic dimension of the country's life and social fabric, subject to many influences over time and therefore to change. It urges the State party to put in place without delay a comprehensive strategy, including clear goals and timetables, to modify or eliminate negative cultural practices and stereotypes that are harmful to and discriminate against women and promote women's full enjoyment of their human rights in conformity with articles 2 (f) and 5 (a) of the Convention. Such a strategy should include specifically designed educational and awareness-raising programmes targeting women and men at all levels of society, including tribal chiefs, should be undertaken in collaboration with civil society and women's organizations and should be aimed at creating an enabling environment for the transformation and change of stereotypes and discriminatory cultural values, attitudes and practices. It also urges the State party to put in place monitoring mechanisms to regularly assess progress made towards the achievement of established goals, with the participation of tribal chiefs and women's organizations.**

369. While welcoming the awareness-raising efforts undertaken by the national machinery for the advancement of women towards ending the practice of female genital mutilation, the Committee is deeply concerned about the persistence and high incidence of this harmful practice, which is a grave violation of girls' and women's human rights and the State party's obligations under the Convention. The Committee notes the serious health complications for girls and women arising out of the practice of female genital mutilation, including the high number of women suffering from vescico-vaginal fistula.

370. **The Committee urges the State party to enact without delay legislation prohibiting female genital mutilation and to ensure that offenders are prosecuted and adequately punished. It urges the State party to strengthen its awareness-raising and educational efforts, targeted at both men and women, with the support of civil society, to eliminate the practice of female genital mutilation and its underlying cultural justifications. It also encourages the State party to devise programmes for alternate sources of income for those who**

perform female genital mutilation as a means of livelihood. It calls on the State party to examine the link between female genital mutilation and the prevalence of vescico-vaginal fistula, to take measures to reduce the occurrence of vescico-vaginal fistula and provide medical support to those affected by it.

371. While welcoming the domestic violence bill of 2006, the Committee is deeply concerned about the high levels of violence against women, including rape and sexual assault. The Committee is particularly concerned about the persistence of customary law and cultural practices that consider the physical chastisement of family members, in particular women, acceptable. The Committee is concerned about the limited progress made in the prevention and elimination of violence against women, the lack of access to justice for women victims, including the lack of legal aid, and the prevalence of impunity of perpetrators. The Committee further expresses concern about the lack of systematic data collection on all forms of violence against women.

372. **The Committee urges the State party to place the highest priority on implementing a comprehensive approach to address all forms of violence against women, including the speedy enactment and the full implementation of the bill on domestic violence. It encourages the State party to make full use of the Committee's general recommendation 19 in its efforts to address violence against women. It urges the State party to raise public awareness through media and education programmes that all forms of violence against women, including domestic violence, are unacceptable. The Committee calls upon the State party to train the judiciary, law enforcement officials, legal professionals, social workers and health providers on violence against women so as to ensure that the perpetrators of violence against women are effectively prosecuted and punished with the required seriousness and speed, and that effective and gender-sensitive support is provided to victims. The Committee requests the State party to remove impediments women may face in gaining access to justice at all levels, and recommends that legal aid be made available to victims in both urban and rural areas. It calls on the State party to establish support measures for victims of violence against women, including shelters and legal, medical and psychological support. The Committee requests the State party to provide information in its next report on the laws, policies and programmes in place to deal with all forms of violence against women and on the impact of such measures, as well as on data and trends in the prevalence of various forms of such violence.**

373. The Committee is concerned that insufficient attention is being given to the findings of the Truth and Reconciliation Commission, which made specific recommendations for the rehabilitation, psychological recovery and social reintegration of girls and women victims of violence and sexual slavery during the war. It is concerned that without increased attention to those recommendations, girls and women affected by the war, and children who were born as a result of wartime rape, will remain marginalized and will not be rehabilitated and reintegrated into society.

374. **The Committee urges the State party to devote resources to the implementation of the priority recommendations of the Truth and Reconciliation Commission that pertain to the impact of the war on girls and women and their children so as to ensure their full rehabilitation and**

reintegration into society. The Committee requests the State party to work with civil society and the international donor community in those efforts.

375. While welcoming the adoption of the Anti-Human Trafficking Act of 2005, the Committee is concerned about the persistence of trafficking in the country and the limited effectiveness of measures to ensure the law's practical implementation.

376. **The Committee requests the State party to accelerate its efforts aimed at the effective implementation and full enforcement of the Anti-Human Trafficking Act of 2005. Such efforts should in particular include the effective prosecution and punishment of traffickers. It also recommends that the State party increase the provision of assistance and support to women victims, as well as prevention efforts, by addressing the root causes of trafficking and improving the economic situation of women so as to eliminate their vulnerability to exploitation and traffickers.**

377. The Committee is concerned about the highly negative impact of the war on the educational infrastructure, which constitutes particular obstacles for the education of girls and young women. The Committee is especially concerned about the high rate of illiteracy, which in 2004 stood at 71 per cent for girls and women in Sierra Leone, and which clearly demonstrates patterns of discrimination under article 10. The Committee notes that education is a key to the advancement of women and that the low level of education of girls and women remains among the most serious impediments to their full enjoyment of human rights and the achievement of women's empowerment. It is also concerned about the high school dropout rate of girls, including for such reasons as pregnancy and early and forced marriage.

378. **The Committee recommends that the State party take steps to improve the educational infrastructure, especially in the rural areas, and to raise awareness of the importance of education as a human right and a basis for the empowerment of women. It recommends that the State party implement measures to ensure equal access for girls and women to all levels of education and retention of girls in school, including through temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25. It encourages the State party to take steps to overcome traditional attitudes that constitute obstacles to girls' and women's education. The Committee calls on the State party to make every effort to improve the literacy level of girls and women through the adoption of comprehensive programmes at the formal and non-formal levels, and through adult education and training. It encourages the State party to strengthen collaboration with civil society and to seek enhanced support from the international community and donor organizations to accelerate compliance with article 10 of the Convention.**

379. The Committee notes that the report did not provide sufficient information and data disaggregated by sex in regard to article 11 of the Convention. In particular, the Committee lacks a clear picture of women's participation in the labour force in urban and rural areas, their unemployment rates, vertical and horizontal labour force segregation and women's ability to benefit from new economic opportunities. The Committee is also concerned that it did not receive sufficient information on the situation of women in the informal sector in rural and urban areas, where the vast

majority of women work, or on the State party's efforts to improve their precarious position.

380. **The Committee invites the State party to provide in its next report detailed information, including trends over time, about the situation of women in the field of employment, in both the formal and informal sectors, and about measures taken and their impact on realizing equal opportunities for women in income-generating activities. The Committee further recommends that the State party pay particular attention to the conditions of women workers in the informal sector and invites the State party to provide, in its next report, information regarding credit, training, technology and access to markets, as well as social services and protection.**

381. While the Committee welcomes the efforts made by the State party and the support of the international community to reduce the incidence of maternal and infant mortality rates, it notes with concern that the maternal and infant mortality rates in Sierra Leone are among the highest in the world. It is further concerned about women's lack of access to adequate prenatal and post-natal care and family planning information, particularly in rural areas, and the very low contraceptive prevalence rate among women and men.

382. **The Committee recommends that the State party step up its efforts to reduce the incidence of maternal and infant mortality rates. It suggests that the State party assess the actual causes of maternal mortality and set targets and benchmarks within a time frame for its reduction. It urges the State party to make every effort to raise awareness of and increase women's access to health-care facilities and medical assistance by trained personnel, especially in rural areas and particularly in the area of post-natal care. The Committee further recommends that the State party implement programmes and policies aimed at providing effective access to contraceptives and family planning services.**

383. The Committee is especially concerned about the precarious situation of women in rural areas, who form the majority of women in Sierra Leone and who are disproportionately affected by poverty and a lack of adequate health services, education, economic opportunities, including credit facilities, and access to justice. The Committee is concerned about the prevalence of harmful traditional practices, such as early marriages, and expresses its particular concern about the persistence of customs and traditions regarding access to land and inheritance that adversely affect women's equality and advancement.

384. **The Committee encourages the State party to make the implementation of the Convention and promotion of gender equality an explicit component of its national development plans and policies, in particular those aimed at poverty alleviation and sustainable development. The Committee urges the State party to pay special attention to the needs of rural women and ensure that they participate in decision-making processes and have equal access to health, education, economic opportunities, including income-generation projects and credit facilities, and justice. The Committee also urges the State party to take appropriate measures to eliminate all forms of discrimination against rural women with respect to land ownership and inheritance.**

385. The Committee expresses concern that discriminatory provisions persist in customary law and the Mohammedan Marriage Act. The Committee notes, for

instance, that polygamy is permitted, intestate distribution of property discriminates against women, grounds for divorce are different for women and men, and women and men are not afforded the same level of authority or guardianship over their children. The Committee is also concerned that local courts, which apply customary law, are not part of the judicial system and consequently their decisions are not subject to appeal.

386. **The Committee urges the State party, in line with its general recommendation number 21, to accelerate its reform of marriage and family relations in order to eliminate all discriminatory provisions in customary law and the Mohammedan Marriage Act, particularly in relation to marriage, divorce and inheritance, so that women and men can enjoy the same legal rights and obligations. The Committee also urges the State party to review the status of local courts and ensure that all their decisions may be appealed to a higher court.**

387. The Committee is concerned that the report did not provide sufficient statistical data on the situation of women in all areas covered by the Convention. The Committee is also concerned about the lack of information on the impact of measures taken and of results achieved in various areas of the Convention.

388. **The Committee calls upon the State party to begin designing a system of data collection, including the use of measurable indicators to assess trends in the situation of women and of progress towards women's de facto equality, and to allocate sufficient budgetary resources for that purpose. It invites the State party, as necessary, to seek international assistance for the development of such data collection and analysis efforts. The Committee also requests the State party to include in its next report statistical data and analysis, disaggregated by sex and by rural and urban areas, indicating the impact of policy and programmatic measures and the results achieved.**

389. **The Committee encourages the State party to ratify the Optional Protocol to the Convention, and accept, as soon as possible, the amendment to article 20, paragraph 1, of the Convention concerning the meeting time of the Committee.**

390. **The Committee urges the State party to utilize fully, in its implementation of its obligations under the Convention, the Beijing Declaration and Platform for Action, which reinforce the provisions of the Convention, and requests the State party to include information thereon in its next periodic report.**

391. **The Committee emphasizes that full and effective implementation of the Convention is indispensable for achieving the Millennium Development Goals. It calls for the integration of a gender perspective and explicit reflection of the provisions of the Convention in all efforts aimed at the achievement of the Goals, and requests the State party to include information thereon in its next periodic report.**

392. **The Committee notes that adherence by States to the seven major international human rights instruments[1] enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. Therefore, the Committee encourages the Government of Sierra Leone to consider ratifying the treaty to which it is not yet a party, namely, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.**

393. **The Committee requests the wide dissemination in Sierra Leone of the present concluding comments in order to make the people, including government officials, politicians, parliamentarians and women's and human rights organizations, aware of the steps that have been taken to ensure de jure and de facto equality of women and of the further steps that are required in that regard. The Committee requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Convention, its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".**

394. **The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report under article 18 of the Convention, which is due in December 2009.**

Chapter V

Activities carried out under the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women

395. Article 12 of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women provides that the Committee shall include in its annual report under article 21 of the Convention a summary of its activities under the Optional Protocol.

A. Action taken by the Committee in respect of issues arising from article 2 of the Optional Protocol

396. The Committee took action on communication 10/2005, N.F.S. v. United Kingdom (see annex I, part two of the present report).

397. The Committee appointed two of its members, Pramila Patten and Anamah Tan, as rapporteurs on follow-up to the views on communication No. 4/2004, Ms. *A. S. v. Hungary*.

B. Action taken by the Committee in respect of issues arising from article 8 of the Optional Protocol

398. In accordance with article 8, paragraph 1, of the Optional Protocol, if the Committee receives reliable information indicating grave or systemic violations by a State party of rights set forth in the Convention, the Committee shall invite that State party to cooperate in the examination of the information and, to this end, to submit observations with regard to the information concerned.

399. In accordance with rule 77 of the Committee's rules of procedure, the Secretary-General shall bring to the attention of the Committee information that is or appears to be submitted for the Committee's consideration under article 8, paragraph 1, of the Optional Protocol.

400. In accordance with the provisions of rules 80 and 81 of the Committee's rules of procedure, all documents and proceedings of the Committee relating to its functions under article 8 of the Optional Protocol are confidential and all the meetings concerning its proceedings under that article are closed.

Chapter VI
Ways and means of expediting the work of the Committee

401. The Committee considered agenda item 6, ways and means of expediting the work of the Committee, at its 774th and 791st meetings on 14 May and 1 June 2007.

Action taken by the Committee under agenda item 6

Members of the pre-session working group for the fortieth and forty-first sessions

402. The Committee confirmed the following experts as members of the pre-session working group for the fortieth and forty-first sessions:

Meriem Belmihoub-Zerdani

Ferdous Ara Begum

Françoise Gaspard

Violeta Neubauer

Silvia Pimentel

Heisoo Shin

Glenda Simms

Dubravka Šimonović

Dates of future session of the Committee

403. In accordance with the calendar of conferences and meetings for 2007, the following schedule was confirmed:

(a) Thirty-ninth session: 23 July to 10 August 2007

(b) Pre-session working group for the fortieth and forty-first sessions: 16 to 20 July 2007

(c) Tenth session of the Working Group on Communications under the Optional Protocol: 18 to 20 July 2007

404. In accordance with the provisional calendar of conferences, the following dates are proposed for the Committee's sessions in 2008:

(a) Fortieth session: 14 January to 1 February 2008, Geneva

(b) Eleventh session of the Working Group on Communications under the Optional Protocol: 9 to 11 January 2008, Geneva

(c) Pre-session working group for the forty-second session: 4 to 8 February 2008, Geneva

(d) Forty-first session: 30 June to 18 July 2008, New York

(e) Pre-session working group for the forty-third session: 21 to 25 July 2008, New York

(f) Twelfth session of the Working Group on Communications under the Optional Protocol: 23 to 25 July 2008, New York

(g) Forty-second session: 20 October to 7 November 2008, Geneva, with parallel chamber

(h) Pre-session working group for the forty-fourth session: 10 to 14 November 2008, Geneva

(i) Twelfth session of the Working Group on Communications under the Optional Protocol: 14 to 17 October 2008, Geneva.

Reports to be considered at future session of the Committee

405. The Committee confirmed that it will consider the reports of the following States parties at its thirty-ninth session, and selected the following States parties to present their reports at the fortieth and forty-first sessions:

(a) Thirty-ninth session

Cook Islands (initial report)

Belize

Brazil

Estonia

Guinea

Honduras

Hungary

Indonesia

Jordan

Kenya

Liechtenstein

Norway

Republic of Korea

Singapore

New Zealand

(b) Fortieth session

Saudi Arabia (initial report)

Bolivia

Burundi

France

Lebanon

Luxembourg

Morocco

Sweden

(c) Forty-first session

Finland

Iceland

Lithuania

Nigeria

Slovakia

United Kingdom

United Republic of Tanzania

Yemen

Composition of parallel chambers at the thirty-ninth session

406. The Committee confirmed the following composition of its parallel chambers for the thirty-ninth session, and allocation of reports of States parties:

Chamber A	*Chamber B*
Ferdous Ara Begum	Magalys Arocha
Saisuree Chutikul	Meriem Belmihoub-Zerdani
Naela Gabr	Dorcas Coker-Appiah
Françoise Gaspard	Shanthi Dairiam
Tiziana Maiolo	Cees Flinterman
Violeta Neubauer	Ruth Halperin-Kaddari
Pramila Patten	Fumiko Saiga
Silvia Pimentel	Dubravka Šimonović
Hanna Beate Schöpp-Schilling	Anamah Tan
Heisoo Shin	Maria Regina Tavares da Silva
Glenda Simms	Xiaoqiao Zou

States parties to be considered in chamber A	*States parties to be considered in chamber B*
Belize (CEDAW/C/BLZ/3-4)	Brazil (CEDAW/C/BRA/6)
Guinea (CEDAW/C/GIN/4-6)	Estonia (CEDAW/C/EST/4)
Honduras (CEDAW/C/HON/6)	Kenya (CEDAW/C/KEN/6)

States parties to be considered in chamber A	*States parties to be considered in chamber B*
Hungary (CEDAW/C/HUN/6)	New Zealand (CEDAW/C/NZL/6)
Jordan (CEDAW/C/JOR/3-4)	Norway (CEDAW/C/NOR/7)
Singapore (CEDAW/C/SGP/3)	Republic of Korea (CEDAW/C/KOR5; CEDAW/C/KOR/6)
Indonesia (CEDAW/C/IND/4-5)	Liechtenstein (CEDAW/C/LIE/2; CEDAW/C/LIE/3)

The initial report of Cook Islands (CEDAW/C/COK/1) will be considered in plenary meeting.

Sixth inter-committee meeting and nineteenth meeting of chairpersons of human rights treaty bodies

407. The Committee decided that in addition to its Chairperson, two members of the Bureau, namely Ms. Glenda Simms and Ms. Naela Gabr, with Ms. Françoise Gaspard as backup, will attend the sixth inter-committee meeting, 18-20 June 2007, Geneva. The Chairperson will attend the nineteenth meeting of chairpersons of human rights treaty bodies, 21-22 June 2007, Geneva.

Enhancing the Committee's working methods under article 18 of the Convention Request for long overdue initial reports

408. The Committee reviewed the status of submission of reports by States parties (CEDAW/C/2007/I/2), as well as steps taken at its thirty-seventh session aimed at encouraging States parties to submit long overdue reports. The Committee proceeded in accordance with its decisions 29/I and 31/III (i), and took into consideration its previous experience in inviting two States parties — Cape Verde and Saint Lucia — to submit all their overdue reports as combined reports. It also noted that at its thirty-seventh session, it had requested four States parties that are more than 20 years overdue in submitting their initial report under article 18 of the Convention, i.e., Dominica, Guinea-Bissau, Haiti and Liberia, to submit all their overdue reports as combined reports by March 2008, for consideration by the Committee at its forty-third session in 2009. The Committee agreed to request four more States parties with long-overdue reports — i.e., Bahamas, Central African Republic, Grenada and Seychelles — to submit their initial and all other outstanding periodic reports as combined reports by the end of 2008, for consideration by the Committee in early 2010. As a measure of last resort, and failing the receipt of the reports within the suggested time frame, the Committee will proceed with consideration of the implementation of the Convention in the four States parties in the absence of a report. The Committee also decided to send reminder letters to the following States parties: Côte d'Ivoire, Djibouti and Tuvalu.

Follow-up to the recommendation of the fifth inter-committee meeting and the eighteenth meeting of chairpersons of the human rights treaty bodies, and preparation for the sixth inter-committee meeting and nineteenth meeting of chairpersons

409. The Committee was briefed by Beate Schöpp-Schilling on the results of the second meeting of the working group on harmonization of working methods (see A/61/38, part three, para. 638), and the meeting's points of agreement, and the Committee discussed its position on those points. It agreed on the importance of its statement "Towards a harmonized treaty bodies system", in the light of which it expressed a preference for option (a) in regard to a mechanism to be established to work on harmonization of working methods. It also expressed its readiness to work in a constructive manner with other treaty bodies on the matter.

Harmonized guidelines on reporting

410. The Committee was briefed by its working group (Ms. Schöpp-Schilling, Ms. Gabr and Ms. Dairiam) on the review of its guidelines for preparation of reports by States parties under article 18 of the Convention, in the light of the acceptance, by the inter-committee meeting, of the revised harmonized reporting guidelines under international human rights treaties, including guidelines on a common core document and treaty-specific documents (HRI/MC/2006/3; see also A/61/38, part three, para. 636). Based on the working group's proposal, the Committee agreed to continue its work on the revisions at its thirty-ninth session with a view to their adoption.

Meeting of the International Law Commission on reservations

411. The Committee was briefed by Mr. Flinterman on the meeting held on 15 and 16 May 2007 by the International Law Commission with representatives of human rights treaty bodies and other experts. He also briefed the Committee on the results of the working group on reservations (see HRI/MC/2007/5, and A/61/38, part three, para. 638), drawing attention to its recommendations and noting in particular that they were in line with the Committee's practice. Following a discussion of various aspects, the Committee agreed to support the proposal for a further meeting of the working group in the future. It also agreed to keep the question of reservations under review at future sessions.

Other matters

412. On 30 May 2007, the Committee was briefed by, and engaged in an interactive dialogue with the Special Adviser to the Secretary-General on Gender Issues and Advancement of Women, on matters pertaining to United Nations reform and, in particular proposals regarding a new gender equality architecture (see in particular A/61/836, A/61/583 and A/61/590).

413. The Committee agreed to convene, at its thirty-ninth session, an informal meeting with States parties to the Convention, in order to update States parties on the Committee's request for extension of meeting time; its efforts to encourage States parties to submit long-overdue initial reports; its work in parallel chambers; and other matters pertaining to its responsibilities under the Convention and the Optional Protocol.

414. The Committee agreed to celebrate the twenty-fifth anniversary of the Committee on 23 July, at the opening meeting of its thirty-ninth session. It extended an invitation to the Secretary-General to address the Committee on the occasion, as well as to the United Nations High Commissioner for Human Rights, the Special Adviser on Gender Issues and the Advancement of Women, the Chairperson of the Commission on the Status of Women, and an non-governmental organization representative, as well as to Ms. Schöpp-Schilling, as the most senior member of the Committee to address the gathering.

Chapter VII

Implementation of article 21 of the Convention

415. The Committee considered agenda item 5, on the implementation of article 21 of the Convention, at its 774th and 791st meetings on 14 May and 1 June 2007.

Action taken by the Committee under agenda item 5

General recommendations on migrant women

416. The Committee discussed the new draft of a general recommendation on migrant women, presented by the Chairperson of the working group. Based on the discussions and further recommendations by the working group it was agreed that a revised draft will be discussed at the thirty-ninth session. The working group consists of: Ms. Dairiam (Chairperson), Ms. Shin, Ms. Pimentel, Ms. Arocha, Ms. Gabr, Ms. Gaspard, Ms. Tavares da Silva and Ms. Ara Begum.

General recommendation on article 2

417. The Chairperson of the working group, Mr. Flinterman, gave an update on the status of preparation, and noted that the working group planned to submit an outline to the Committee for discussion at the thirty-ninth session. The Committee agreed to allocate one meeting for discussion of the outline at its thirty-ninth session. Mr. Flinterman also briefed the Committee about an informal seminar organized by IWRAW AP, in Kuala Lumpur, from 16 to 20 February 2007, on national and international dimensions of State obligations. The working group consists of the following members: Mr. Flinterman (Chairperson), Ms. Šimonović, Ms. Dairiam, Ms. Pimentel, Ms. Schöpp-Schilling, Ms. Belmihoub-Zerdani, Ms. Halperin-Kaddari and Ms. Coker-Appiah.

Chapter VIII

Provisional agenda for the thirty-ninth session

418. The Committee considered the draft provisional agenda for its thirty-ninth sessions at its 791st meeting on 1 June 2007:

1. Opening of the session.
2. Solemn declaration of a new member.
3. Adoption of the agenda and organization of work.
4. Report of the Chairperson on activities undertaken between the thirty-eighth and thirty-ninth sessions of the Committee.
5. Consideration of the reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women.
6. Implementation of article 21 of the Convention on the Elimination of All Forms of Discrimination against Women.
7. Ways and means of expediting the work of the Committee.
8. Activities of the Committee under the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.
9. Provisional agenda for the thirty-ninth session.
10. Adoption of the report of the Committee on its thirty-eighth session.

Chapter IX

Adoption of the report

419. The Committee considered the draft report on its thirty-eighth session (CEDAW/C/2007/II/L.1 and addenda) at its 791st meeting (see CEDAW/C/SR.791) and adopted it, as orally revised during the discussion.

Annex

Decision of the Committee on the Elimination of Discrimination against Women under the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women

(Thirty-eighth session)

Communication No. 10/2005*

Submitted by:	Ms. N. S. F.
Alleged victim:	The author
State party:	The United Kingdom of Great Britain and Northern Ireland
Date of communication:	21 September 2005 (initial submission)
Document references:	Transmitted to the State party on 8 March 2006 (not issued in document form)

The Committee on the Elimination of Discrimination against Women, established under article 17 of the Convention on the Elimination of All Forms of Discrimination against Women,

Meeting on 30 May 2007

Adopts the following:

Decision on admissibility

1.1 The author of the communication dated 21 September 2005 with supplementary information dated 16 October and 2 December 2005, is Ms. N. F. S. a Pakistani asylum seeker born on 15 November 1976 and currently living in the United Kingdom with her two children. She claims to fear for her life at the hands of her former husband in Pakistan and for her two sons' future and education if the authorities of the United Kingdom deport her. She does not invoke specific provisions of the Convention on the Elimination of All Forms of Discrimination against Women nor demonstrate how the Convention may have been violated but her claims appear to raise issues under article 2 and 3 of the Convention. The author is representing herself. The Convention and its Optional Protocol entered into force for the State party on 7 April 1986 and 17 December 2004 respectively.

1.2 The author requested interim measures of protection in accordance with article 5, paragraph 1 of the Optional Protocol.

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* The following members of the Committee participated in the examination of the present communication: Ms. Ferdous Ara Begum, Ms. Magalys Arocha Dominguez, Ms. Meriem Belmihoub-Zerdani, Ms. Saisuree Chutikul, Ms. Dorcas Coker-Appiah, Ms. Mary Shanthi Dairiam, Mr. Cees Flinterman, Ms. Naela Mohamed Gabr, Ms. Françoise Gaspard, Ms. Ruth Halperin-Kaddari, Ms. Violeta Neubauer, Ms. Pramila Patten, Ms. Silvia Pimentel, Ms. Fumiko Saiga, Ms. Hanna Beate Schöpp-Schilling, Ms. Heisoo Shin, Ms. Glenda P. Simms, Ms. Dubravka Šimonović, Ms. Anamah Tan and Ms. Maria Regina Tavares da Silva.

1.3 On 8 March 2006, the Committee requested the State Party not to deport the author and her two children, U. S. and I. S., while their case was pending before the Committee.

The facts as presented by the author

2.1 The author got married on 17 May 1996 and had two sons, born respectively in 1998 and 2000, resulting from this union. Her husband's personality and behaviour changed towards the author immediately after the marriage took place and he started to subject her to numerous instances of ill-treatment — particularly when he was affected by alcohol and drugs or after he had incurred gambling losses. He compelled her with threats to obtain money from her parents and he used the money to feed his habits.

2.2 She endured marital rape and eventually divorced her husband in August 2002. She subsequently fled to a nearby village with her two sons. She continued to be harassed by her ex-husband after the divorce and had to move two more times. She reported him to the police but did not receive any protection.

2.3 In January 2003, the author's ex-husband came to her home with other men armed with knives and threatened to kill her. After this incident, the author decided to flee the country with the help of an agent and funding from her parents.

2.4 The author arrived in the United Kingdom on 14 January 2003 with her two children and applied for asylum the same day. She was in transit in Cairo, Egypt, for one day prior to her arrival in the United Kingdom. On 27 February 2003, the Immigration and Nationality Directorate of the Home Office rejected the author's asylum application.

2.5 The author appealed against the "Refusal of Leave to Enter after Refusal of Asylum" by the Immigration and Nationality Directorate of the Home Office, claiming that her removal would be a violation of the 1951 Convention on the Status of Refugees and the European Convention on Human Rights and Fundamental Freedoms. She asserted that her claim was credible; that she had a well-founded fear of persecution by a non-state agent, for the 1951 Convention reason of her membership in a particular social group (women in Pakistan); that Pakistan did not offer her sufficient protection; that there was no real option of internal flight and, in any event it would not be reasonable; and that article 3 of the European Convention on Human Rights and Fundamental Freedoms was violated.

2.6 On 16 April 2004, the Adjudicator, sitting as the first instance court, dismissed the author's appeal on both asylum and human rights grounds. The Adjudicator, while sympathizing with the author's situation and accepting the author's factual case, did not accept the author's submission that she could not relocate further away from her ex-husband within Pakistan. As a result, he concluded that he could not see why there would be a serious possibility or reasonable chance of her being at risk of further persecution on return to Pakistan if she relocated within the country. He also found that the difficulties that she might experience on return would not constitute persecution as such and that she would be sufficiently protected in Pakistan, including because the parties were no longer married.

2.7 On 31 July 2004, the Immigration Appeal Tribunal refused the author's application for permission to appeal. The decision was communicated to the author on 10 August 2004.

2.8 The author challenged the decision of the Immigration Appeal Tribunal by applying for Statutory Review in accordance with the relevant Civil Procedure Rules before the High Court of Justice, Queens Bench Division, Administrative Court.

2.9 On 14 October 2004, the High Court affirmed the decision. It found no error of law; that the Adjudicator had been entitled to conclude, for the reasons he gave, that, even accepting the central core of the claimant's story as he did, she would not be at risk if on return to Pakistan she relocated to a place sufficiently far away from her former husband's residence; and that there would be no real prospect of an appeal succeeding. The decision was final.

2.10 On 15 October 2004, the author received "notification of temporary admission to a person who is liable to be detained".

2.11 The author filed for "discretionary leave" or "temporary protection" to remain in the United Kingdom on humanitarian grounds with the Home Office on 4 January 2005.

2.12 On 1 February 2005, the Immigration and Nationality Directorate wrote to the author informing her that she had no further right of appeal and that the decision on her earlier claim would not be reversed. She was reminded that she had no basis to stay in the United Kingdom and should make arrangements to leave the United Kingdom without delay. She was apprised of where to call for help and advice on returning home.

2.13 On 29 September 2005, the author made an application to the European Court of Human Rights alleging a violation by the United Kingdom of her rights under article 3 (prohibition of torture) and article 8 (right to respect for private and family life). On 24 November 2005, the European Court of Human Rights, sitting as a Committee of three judges, declared the communication inadmissible on the basis that it "did not disclose any appearance of a violation of the rights and freedoms set out in the Convention or its Protocols".

2.14 On 8 May 2006, the Home Office refused her request for discretionary leave on humanitarian grounds. The decision indicated that the author had no basis to stay in the United Kingdom and should make arrangement to leave the country without delay. If she failed to do so, the Home Department would take steps to ensure her removal to Pakistan. No deadline was given.

The complaint

3.1 The author claims that she came to the United Kingdom to save her life and her children's future and education. She alleges that as a single woman with two children, she would not be safe outside of the United Kingdom. She claims that if she is deported back to Pakistan, she will no longer be protected and will be killed by her ex-husband and her children's future and education will be put at risk. She therefore asks that she and her two children be allowed to live in the United Kingdom and be granted temporary protection. The author makes it clear that if she is deported, she will leave her children behind.

3.2 She also alleges that both the asylum and human rights based procedures were not fair.

The State party's observations on admissibility

4.1 By its submission of 5 May 2006, the State party challenges the admissibility of the communication, arguing that the author failed to exhaust domestic remedies, that the same matter has been examined by the European Court of Human Rights, and that the communication was not sufficiently substantiated and/or manifestly ill-founded.

4.2 As regards exhaustion of domestic remedies, the State party alleges that there are effective remedies against the decision of 8 May 2006 by the Home Office, which refused the author's request for discretionary leave on humanitarian grounds. It nevertheless acknowledges that because this decision was communicated to the author at the same time as the State party's observations on admissibility, the author could not have exhausted this remedy before actually getting the Home Office decision. Therefore, the Government alleges that now, the author can seek permission to apply for judicial review by the High Court. The State party considers the granting of such permission very unlikely, in the light of the history of the case and the fact that such a request would be based upon the same factual and legal arguments developed previously before the national authorities (and the European Court of Human Rights). The State party notes that no allegation based on discrimination against the author as a woman was ever formulated by the author before the domestic authorities and/or courts and that, as a consequence, the domestic authorities and/or courts have not yet had an opportunity to deal with the author's assertion that the decisions involved sex discrimination. The State party refers in that regard to the jurisprudence of the Human Rights Committee explaining the purpose of the exhaustion of domestic remedies.[a] The State party further notes that such an allegation would be relevant for consideration by the Home Office when considering the author's case and, in due course, could therefore form part of the arguments in support of an application for permission to apply to the High Court for judicial review. While recognizing that it might not have been necessary for the author to have referred specifically to any specific articles before the national authorities, the State party maintains that the author has to raise the relevant substantive right(s) in the Convention for an application to be admissible.

4.3 The State party also contends that the communication is inadmissible on the basis that the same matter has already been examined under another procedure of international investigation or settlement pursuant to article 4, paragraph 2 (a) of the Optional Protocol, i.e., the European Court of Human Rights. The State party submits that individual proceedings before the European Convention on Human Rights constitute proceedings of international investigation or settlement.[b] It further refers to the concept of "same matter"[c] and maintains that the same author has brought an identical complaint to the European Court of Human Rights,[d] which was given an application number 116/05. The application was dismissed as inadmissible by the European Court of Human Rights on the basis that it "did not disclose any appearance of a violation of the rights and freedoms set out in the Convention or its Protocols". Therefore, the State party contends that present communication is inadmissible in accordance with article 4, paragraph 2 (a) of the Optional Protocol.

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[a] The State party refers to paragraph 8.3 of the Human Right Committee communication 222/78 *T.K. v France* (CCPR/C/37/D/222/1987).

[b] The State party refers to Joseph, Schultz and Castan's *The International Covenant on Civil and Political Rights — Cases, Materials and Commentary*(2nd edition, 2004) para 5.06.

[c] The State party refers to the jurisprudence on the notion of "same matter" of the Human Rights Committee, communications 75/80 *Fanaly v Italy* (CCPR/C/18/D/75/1980) para. 7.2 and 168/84 *V.O. v Norway* (CCPR/C/25/D/168/1984) para. 4.4. It also refers to the Human Rights Committee communications 993/2001, 994/2001 and 995/2001, para. 6.4.

[d] The State party adds "even if perhaps slightly more focused in relation to the provisions of the European Convention on Human Rights which were alleged to have been violated".

4.4 The State party further submits that the present communication is both not sufficiently substantiated and manifestly ill-founded. The communication is allegedly not sufficiently substantiated as it is based on the same facts as the asylum claim considered and rejected by the national authorities; and does not explain the legal basis on which the author could claim a breach of the Convention by the State party in the way its national authorities treated her asylum and human rights case or in the way the author (and their children) are being treated while residing in the United Kingdom on a temporary basis. The author does not make any assertion that the State party is responsible for any breaches of the author's Convention rights that may or may not have occurred in her country of origin, which is a State party to the Convention. The author has not identified the Convention provision she is relying on in her communication or before the national authorities and European Court of Human Right and both have considered and rejected her assertion that her removal to Pakistan creates "substantial grounds for believing that there is a real risk" of a violation of her right not to be tortured or subjected to inhuman or degrading treatment of punishment. In addition, the author has produced no new facts or arguments to refute this assessment.

4.5 For the reasons set out above, the State party submits that the communication is inadmissible under article 4(1) and/or article 4(2) of the Optional Protocol.

The author's comments on the State party's observations on admissibility

5.1 By her submission of 25 July 2006, the author reiterates the following contention : that she and her two children were victims of brutalities by her husband; that after the family court ruled in her favour for divorce, her ex-husband attempted to kill her and to snatch the children from her; that she had no adequate protection from the Pakistani authorities; and that as a consequence, she had no other option but to save herself and her children by leaving her relatives and her country to seek refuge in the United Kingdom. She claims she is now living free from fear and only wants the best future and education for her children.

5.2 The author claims that on 31 July 2004 she was refused permission from the Immigration Appeal Tribunal to appeal the decision of the Adjudicator. She also claims that she challenged the decision of the Immigration Appeal Tribunal by applying for Statutory Review but that the High Court dismissed it on 14 October 2004. Furthermore, she contends that the High Court decision indicated that the decision was final and that no appeal was possible. The author nevertheless applied on 7 December 2005 for judicial review to the Civil Appeal Office of the Royal Court but her application was rejected on 9 December 2005. The author further claims she had exhausted all remedies in relation to her application for reconsideration of her case on humanitarian grounds. She also argues that she has availed herself of two extraordinary remedies, namely two letters she sent to the Prime Minister and Her Majesty the Queen respectively, asking for a grant of discretionary leave on humanitarian grounds.

5.3 The author acknowledges that she applied to the European Court of Human Rights under article 3 (prohibition of torture) and article 8 (right to respect for private and family life) but maintains that her application was dismissed because at the time, she had informed the Court that she was awaiting the decision from the Home Office on her application for "discretionary leave" or "temporary protection". She also maintains that her complaint is not the same matter that has been examined under the European Court of Human Rights.

5.4 The author submitted a copy of the decision of the European Court of Human Rights which reads: "In the light of all the material in its possession, and in so far as the matters complained of were within its competence, the Court found that they did not disclose any appearance of a violation of the rights and freedoms set out in the Convention or its Protocols".

5.5 The author submits that her communication is sufficiently substantiated and not ill-founded.

Additional comments of the State party on admissibility

6. By its submission of 11 September 2006, the State party stated that it did not intend to submit further comments on the author's submission.

Issues and proceedings before the Committee concerning admissibility

7.1 In accordance with rule 64 of its rules of procedure, the Committee shall decide whether the communication is admissible or inadmissible under the Optional Protocol.

7.2 In accordance with rule 66 of its rules of procedure, the Committee may decide to consider the question of admissibility and merits of a communication separately.

7.3 The Committee considers that the communication submitted by the author raise the issue of the situation in which women who have fled their country because of fear of domestic violence often find themselves. It recalls that in its General Recommendation No. 19 on violence against women, the Committee states that the definition of discrimination against women in article 1 of the Convention includes gender-based violence, i.e. violence that is directed against a woman because she is a woman or that affects women disproportionately. It notes the State party's challenge to the admissibility of the author's claim under article 4, paragraph 1, of the Optional Protocol because the author did not avail herself of the possibility of seeking permission to apply for a judicial review by the High Court of the refusal to grant her discretionary leave to remain in the country on humanitarian grounds. In this regard, the Committee notes that the State party is of the view that the granting of permission to the author to apply for a judicial review is uncertain. It further notes the State party's contention that no allegation of sex discrimination has ever been formulated by the author and, as a consequence, the domestic authorities and/or courts have not yet had an opportunity to deal with such an assertion, which, in the opinion of the Committee, needs to be considered in the light of the State party's obligations under the Convention. As a consequence, and in the light of the State party's view that an allegation of sex discrimination would be relevant for consideration by the Home Office when again considering the author's case and, in due course, could form part of the arguments in support of an application for permission to apply to the High Court for a judicial review, the Committee finds that the author should avail herself of this remedy. For this reason, the Committee on the

Elimination of Discrimination against Women finds the present communication inadmissible under article 4, paragraph 1, of the Optional Protocol.

7.4 The Committee sees no reason to find the communication inadmissible on any other grounds.

7.5 The Committee therefore decides:

(a) That the communication is inadmissible under article 4, paragraph 1, of the Optional Protocol on the basis that all available domestic remedies have not yet been exhausted;

(b) That this decision shall be communicated to the State party and to the author.

Part three

Report of the Committee on the Elimination of Discrimination against Women on its thirty-ninth session

Chapter I

Matters brought to the attention of States parties

Decisions

Decision 39/I

The Committee refers to its decisions 36/I, 37/I and 38/I, pertaining to its future meeting time. It reiterates that effective and timely implementation of all its responsibilities beyond the biennium 2006/2007 will require that it be provided with extended meeting time in 2008 and beyond. The Committee has undertaken a further assessment of the scope of its responsibilities under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women and has come to the conclusion that it is imperative that the Committee be provided, on a permanent basis, with the opportunity to hold three annual sessions, of three weeks each, and each preceded by a one-week session of a pre-session working group. This is in view of the number of States parties to the Convention, which now stands at 185, and their reporting obligations; the current status of submission of reports in accordance with article 18 of the Convention, and in particular of the remaining backlog of reports awaiting consideration; the projected future availability of reports; as well as the Committee's request to States parties with very long-overdue initial reports to submit those within a given time frame; together with its other responsibilities under the Convention and those under the Optional Protocol to the Convention. The Committee has also concluded that as a temporary measure, in order to eliminate the remaining backlog of reports of States parties awaiting consideration (30 as of 10 August 2007), one of the annual sessions in 2008 and in 2009, should be held in parallel chambers. Furthermore, the Committee recommends that one of its three annual sessions take place at United Nations Headquarters in New York so as to facilitate and encourage ongoing cooperation between the Committee and the United Nations gender equality bodies.

This extended meeting time will ensure that the Committee can eliminate the backlog of reports awaiting consideration; ensure that incoming reports are considered in a timely manner; enhance its efforts at ensuring that monitoring of the implementation of the Convention in States parties with long-overdue reports is undertaken; and discharge all its other responsibilities under the Convention and the Optional Protocol.

The Committee therefore requests the General Assembly:

(a) To authorize the Committee on the Elimination of Discrimination against Women, as a permanent measure from 2008 onwards, to hold three annual sessions of three weeks each, with a one-week pre-session working group for each session;

(b) To authorize the Committee on the Elimination of Discrimination against Women to meet, as a temporary measure in the biennium 2008-2009, for up to seven days, in parallel chambers during one of its annual sessions in each year of the biennium, for the purpose of considering reports submitted by States parties under article 18 of the Convention.

The Committee notes that its Working Group on Communications under the Optional Protocol currently convenes twice a year, for up to one week each. In order to ensure the expeditious discharge of its responsibilities under article 2 of the Optional Protocol, the Committee requests that its Working Group on Communications under the Optional Protocol be granted the opportunity to meet three times a year, for a total of 10 working days, immediately prior to, or after the scheduled sessions of the Committee.

Decision 39/II

The Committee refers to its decision 39/I, requesting the General Assembly at its sixty-second session to approve an extension of the meeting time of the Committee. Having taken note of the statement of programme budget implications of the decision, and in an effort to reduce the overall costs of its sessions, the Committee decides that summary records of its meetings are to be issued in English only, as a temporary measure for the biennium 2008-2009. The Committee also decides to revisit this decision in 2009, when it will assess its requirements for meeting time. The Committee requests that the basis for calculating the costs for the requested extended meeting time reflected in the statement of programme budget implications be revisited so as to ensure that they are in line with the Committee's actual requirements and that the statement clearly explains the different parameters used for calculating the current requirements as compared to those of a similar request of the Committee in 2005 (see A/60/38, annex IX).

Decision 39/III

The Committee adopted a statement on United Nations reform pertaining to its gender equality structure (see annex XI to part three of the present report).

Chapter II

Organizational and other matters

A. States parties to the Convention on the Elimination of All Forms of Discrimination against Women and to the Optional Protocol

1. As at 10 August 2007, the closing date of the thirty-ninth session of the Committee on the Elimination of Discrimination against Women, there were 185 States parties to the Convention on the Elimination of All Forms of Discrimination against Women, which was adopted by the General Assembly in its resolution 34/180 of 18 December 1979 and opened for signature, ratification and accession in New York in March 1980. In accordance with article 27, the Convention entered into force on 3 September 1981. Forty-nine States parties had accepted the amendment to article 20, paragraph 1, of the Convention concerning the Committee's meeting time.

2. On the same date, there were 88 States parties to the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, which was adopted by the General Assembly in its resolution 54/4 of 6 October 1999 and opened for signature, ratification and accession in New York on 10 December 1999. In accordance with article 16, the Optional Protocol entered into force on 22 December 2000.

3. A list of States parties to the Convention, a list of States parties that have accepted the amendment to article 20, paragraph 1, concerning the Committee's meeting time, and a list of States parties that have signed, ratified or acceded to the Optional Protocol to the Convention are contained in annexes I to III to part three of the present report.

B. Opening of the session

4. The Committee held its thirty-ninth session at United Nations Headquarters from 23 July to 10 August 2007. The Committee held 18 plenary meetings (792nd to 809th); 14 meetings (793rd to 806th) were held in parallel chambers. The Committee also held 9 closed meetings to discuss agenda items 4 to 7. A list of the documents before the Committee is contained in annex IV to part three of the present report.

C. Adoption of the agenda and organization of work

5. The Committee adopted the provisional agenda (CEDAW/C/2007/III/1) at its 792nd meeting. The agenda was adopted as follows:

1. Opening of the session.
2. Adoption of the agenda and organization of work.
3. Report of the Chairperson on activities undertaken between the thirty-eighth and thirty-ninth sessions of the Committee.

4. Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women.

5. Implementation of article 21 of the Convention on the Elimination of All Forms of Discrimination against Women.

6. Ways and means of expediting the work of the Committee.

7. Activities of the Committee under the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.

8. Provisional agenda for the fortieth session of the Committee.

9. Adoption of the report of the Committee on its thirty-ninth session.

D. Report of the pre-session working group

6. At its 792nd meeting, on 23 July, the Committee took note of the report of the pre-session working group for the thirty-ninth session of the Committee that was chaired by Maria Regina Tavares da Silva.

E. Organization of work

7. At its 792nd meeting, on 23 July, the Committee took note of documentation before it under items 5 (CEDAW/C/2007/III/3 and Add.1, 3 and 4) and 6 (CEDAW/C/2007/III/4 and CEDAW/C/2007/III/2) and agreed to take them up later during the session.

8. On 23 and 30 July 2007, the Committee held closed meetings with representatives of specialized agencies and bodies of the United Nations, in which country-specific information was provided as well as information on the efforts made by the body or entity concerned to promote the provisions of the Convention at the national and regional levels through its own policies and programmes.

9. On 23 and 30 July 2007, the Committee held informal public meetings with representatives of non-governmental organizations, who provided information about the implementation of the Convention in States reporting at the thirty-ninth session: Belize, Brazil, Cook Islands, Estonia, Guinea, Honduras (written information), Hungary, Indonesia, Jordan, Kenya, Liechtenstein (written information), New Zealand, Norway, the Republic of Korea and Singapore.

10. On 30 July 2007, the Committee held an informal public meeting with representatives of the national human rights institutions of the Republic of Korea and Norway, who provided country-specific information to the Committee.

F. Membership of the Committee

11. A list of members of the Committee, indicating the duration of their terms of office, is contained in annex VI to part three of the present report. Hanna Beate Schöpp-Schilling did not attend the session. The following experts attended parts of

the session: Ms. Coker-Appiah from 23 July to 3 August; Ms. Gabr from 27 July onwards; Ms. Halperin-Kaddari from 23 July to 2 August; and Ms. Maiolo from 23 July to 3 August. The Committee noted that following the resignation of Hazel Gumede Shelton in May 2007, the process of approving her replacement in accordance with article 17, paragraph 7, of the Convention remained to be completed for lack of information received by the Committee.

G. Celebration of the twenty-fifth anniversary of the work of the Committee

12. At its 792nd meeting, on 23 July, the Committee commemorated the twenty-fifth anniversary of its work. Statements were made by Dubravka Šimonović, Chairperson of the Committee; Haya Rashed Al-Khalifa, President of the sixty-first session of the General Assembly; Louise Arbour, United Nations High Commissioner for Human Rights; Rachel Mayanja, Special Adviser on Gender Issues and Advancement of Women; Julio Peralta, Vice-Chairperson of the Commission on the Status of Women; Jackie Shapiro, Non-Governmental Organizations Committee on the Status of Women; and Sapana Pradhan Malla, of IWRAW Asia Pacific. Ms. Schöpp-Schilling's statement was read by the Director of the Division for the Advancement of Women. Those statements and other information pertaining to the anniversary are available at http://www.un.org/womenwatch/daw/cedaw/25anniversary.htm.

Chapter III

Report of the Chairperson on the activities undertaken between the thirty-eighth and thirty-ninth sessions

13. At the 792nd meeting, on 23 July, the Chairperson reported on her activities undertaken since the thirty-eighth session.

Chapter IV

Consideration of reports submitted by States parties under article 18 of the Convention

A. Introduction

14. At its thirty-ninth session, the Committee considered the reports of 15 States parties submitted under article 18 of the Convention: the initial report of one State party; the second and third periodic reports of one State party; the third periodic report of one State party; the combined third and fourth periodic reports of two State parties; the fourth periodic report of one State party; the combined fourth and fifth periodic reports of one State party; the combined fourth, fifth and sixth periodic reports of two States parties; the fifth and sixth periodic reports of one State party; the combined fifth and sixth periodic reports of one State party; the sixth periodic report of three State parties; and the seventh periodic report of one State party.

15. The Committee prepared concluding comments on each of the States parties' reports considered. The Committee's concluding comments are set out below.

B. Consideration of reports of States parties

1. Initial report

Cook Islands

16. The Committee considered the initial report of the Cook Islands (CEDAW/C/COK/1) at its 807th and 808th meetings, on 3 August 2007 (see CEDAW/C/SR.807 and 808). The Committee's list of issues and questions is contained in CEDAW/C/COK/Q/1, and the responses by the Cook Islands are contained in CEDAW/C/COK/Q/1/Add.1.

Introduction

17. The Committee commends the Cook Islands for its accession to the Convention in its own right on 11 August 2006, while noting its accession to the Convention in 1985 through territorial application under New Zealand. It expresses its appreciation to the Cook Islands for the quality and timely submission, of its initial report, which followed the Committee's guidelines for preparation of initial reports, while noting that it does not refer to the Committee's general recommendations. It also notes with appreciation that the report was prepared in a broad-based consultative process with the participation of government bodies, non-governmental organizations and Cook Islands women.

18. The Committee commends the Cook Islands for its high-level delegation, headed by the Minister of Foreign Affairs and Immigration, and expresses its appreciation for the frank and constructive dialogue that took place between the delegation and members of the Committee. The Committee also expresses its appreciation to the Cook Islands for the written replies to the list of issues and questions raised by its pre-session working group, and for the introductory statement and further clarifications provided in response to the questions posed orally by the Committee.

19. The Committee notes the Cook Islands' recognition of the important role played by non-governmental organizations, which assist it in its efforts to eliminate all forms of discrimination against women.

20. The Committee commends the Cook Islands for its withdrawal, effected on 30 July 2007, of all reservations held upon accession, namely to article 11 (2) (b) on the provision of maternity leave; articles 2 (f) and 5 (a) with regard to inheritance of chiefly titles; and in general as regards recruitment and service of women in the armed forces.

Positive aspects

21. The Committee commends the Cook Islands for commissioning, in 2005, a comprehensive review of the consistency of its legislation with the Convention, to identify areas in need of reform. It welcomes the establishment of a Law Reform Committee to carry out the reform process, which will include relevant line ministries and non-governmental representatives in consultation with the Crown Law Office, and appreciates the clear timeline for completion of the process.

22. The Committee commends the Cook Islands for its achievements in the field of education, in particular the provision of free and universal primary and secondary education, as provided for in the Education Act 1986-87, as well as the achievement of high literacy rates.

23. The Committee commends the Cook Islands for its provision of public health and sanitation services, including in partnership with non-governmental organizations, and wide availability of government-funded primary health care services including in the Outer Islands.

Principal areas of concern and recommendations

24. **While recalling the Cook Islands' obligation to systematically and continuously implement all the provisions of the Convention, the Committee views the concerns and recommendations identified in the present concluding comments as requiring priority attention between now and the submission of the next periodic report. Consequently, the Committee calls upon the Cook Islands to focus on those areas in its implementation activities and to report on action taken and results achieved in its next periodic report. It calls on the Cook Islands to submit the present concluding comments to all relevant ministries and to Parliament so as to ensure their full implementation.**

25. While noting that article 64 (1) (b) of the Constitution of the Cook Islands guarantees equality before the law and the protection of the law without discrimination on the grounds of sex, the Committee is concerned that neither the Constitution nor other appropriate legislation embody the principle of equality between women and men, nor contain a definition of discrimination against women, in accordance with article 1 of the Convention, covering both direct and indirect discrimination and extending to acts of both public and private actors in accordance with article 2.

26. **The Committee calls upon the Cook Islands to incorporate fully and without delay into the Constitution or other appropriate legislation, the principle of equality between women and men, and a definition of discrimination on the basis of sex in line with article 1 of the Convention, and**

extending to acts of discrimination by public and private actors, in accordance with article 2. The Committee further recommends that there be effective legislation to enforce the prohibition of discrimination.

27. The Committee is concerned that discrimination continues to exist in several areas of the law. While noting the ongoing law reform process, and efforts undertaken to identify inconsistencies with the Convention in Cook Islands legislation, the Committee is concerned that the Convention has yet to be given central importance as the basis for the elimination of all forms of discrimination against women and the achievement of gender equality. The Committee is also concerned at the slow process of law reform and the fact that these reforms have not been accorded the necessary priority by the Cook Islands to achieve formal equality for women.

28. **The Committee urges the Cook Islands to give central importance to the Convention as the basis for the elimination of all forms of discrimination against women and the achievement of gender equality, and to prioritize its full incorporation into the domestic legal system. It encourages the Cook Islands to adhere to a clear timetable for completion of the necessary legislative reform as a matter of urgency, so as to achieve compliance with the Convention and the Committee's general recommendations, and to amend or repeal all discriminatory legislation and close any legislative gaps. It encourages the Cook Islands to generate the political will necessary for undertaking these reforms.**

29. While noting efforts undertaken to raise awareness of the Convention throughout the Cook Islands, including in partnership with non-governmental organizations, the Committee is concerned about women's lack of knowledge of their rights and their lack of access to justice and ability to obtain redress in the courts, including because of costs and the availability of legal aid only for those unable to defend themselves in criminal prosecutions. The Committee notes that non-governmental organizations provide some free legal assistance to women.

30. **The Committee encourages the Cook Islands to widely disseminate and raise awareness about the Convention and other legislation in both English and Cook Islands Maori, in particular the meaning and scope of direct and indirect discrimination, and formal and substantive equality of women. The Committee invites the Cook Islands to enhance women's awareness of their rights through legal literacy programmes and to expand legal assistance to women wishing to bring claims of discrimination or enforce their rights to equality. The Committee calls upon the Cook Islands to ensure that gender sensitivity and women's rights be made an integral part of the education and training of law enforcement and judicial officers, including judges, lawyers and prosecutors, so as to establish firmly in the country a legal culture supportive of women's equality and non-discrimination.**

31. The Committee is concerned that the Cook Islands has not afforded the national machinery for the advancement of women the institutional capacity, resources and authority it requires to promote the full and effective implementation of the Convention in the Cook Islands and to support the use of the gender mainstreaming strategy across all sectors and levels of government, including in coordination with the Outer Islands' women's development officers under the Office of the Minister for Island Administration. Noting the recent changes to the institutional set-up of the national machinery, and the anticipated replacement of the

Women's Policy with the National Gender Responsive Policy, the Committee is concerned that it has not received a clear understanding of the reasons for these changes and their advantages.

32. **The Committee calls upon the Cook Islands to strengthen the structural arrangements of the national machinery for the advancement of women, both vertically and horizontally, and provide it with the authority, decision-making power and human and financial resources that are necessary for it to work effectively for the promotion of equality of women and the enjoyment of their human rights. The Committee also recommends that the Cook Islands work with international donors and the United Nations system to develop the national machinery's capacity to coordinate the use of the gender mainstreaming strategy across all sectors and levels of government, including through the use of gender-responsive budgeting processes.**

33. While noting the recent economic downturn experienced by the Cook Islands and its position as a recipient of international financial and technical aid, the Committee is concerned that the National Sustainable Development Plan may focus, as a condition of such aid, on privatization and place private sector investment as central to economic growth and development, which can have negative impacts on women, and as such, may not adequately promote and protect women's rights.

34. **The Committee invites the Cook Islands to ensure that all national development plans, policies and programmes explicitly promote women's equality and empowerment and the practical realization of the principle of equality of women and men, using the normative framework of the Convention. It encourages the Cook Islands to assess and monitor the impact of economic restructuring and privatization on the implementation of its obligations under the Convention, and to take corrective measures as necessary. It invites the Cook Islands to seek innovative sources of funding and assistance for the promotion of gender equality, including in partnerships with the private sector.**

35. The Committee is concerned at the lack or limited availability of data disaggregated by sex in a number of areas of the Convention, which are necessary for an accurate assessment of the situation of women and for informed, targeted policymaking and the systematic monitoring and evaluation of progress achieved, and trends over time, towards the realization of women's de facto equality in regard to all areas covered by the Convention.

36. **The Committee calls upon the Cook Islands to enhance the collection of comprehensive data disaggregated by sex and of measurable indicators to assess trends in the situation of women and of progress towards the realization of women's de facto equality, and calls its attention to general recommendation 9 in this regard. The Committee invites the Cook Islands, as necessary, to seek international assistance for the development of such data collection and analysis efforts, and to ensure that such efforts are based on the needs of users of data.**

37. While recognizing the rich culture and tradition of the Cook Islands and its importance in daily life, the Committee is concerned about the persistence of deep-rooted stereotypes regarding the roles, responsibilities and identities of women and men in all spheres of life, which are discriminatory of women and impede the full implementation of the Convention.

38. **The Committee invites the Cook Islands to view culture and tradition as dynamic aspects of the country's life and social fabric and therefore subject to change. It urges the Cook Islands to put in place without delay a comprehensive strategy, including legislation, to modify or eliminate cultural practices and stereotypes that discriminate against women, in conformity with articles 2 (f) and 5 (a) of the Convention. Such measures should include awareness-raising efforts targeting women and men at all levels of society, including traditional and church leaders, and be undertaken in collaboration with civil society and women's organizations. The Committee encourages the Cook Islands to use innovative measures that target young people and adults to strengthen understanding of the equality of women and men, and to work through the educational system, both formal and informal, as well as with the mass media so as to enhance a positive and non-stereotypical portrayal of women. It also requests the Cook Islands to put in place monitoring mechanisms and to regularly assess progress made towards the achievement of established goals in this respect.**

39. The Committee is concerned about the persistence of violence against women and the lack of information about its extent and prevalence. It is also concerned that the Crimes Act 1969 is outdated, does not recognize marital rape, and lacks a comprehensive legal framework to deal with all forms of violence against women, and that judicial recourse for victims, enforcement measures, victim services and protection are insufficient. It is concerned that protection orders may not always be available after normal working hours of judicial officers and that under current civil protections, they are not available to all victims of domestic violence, which has serious implications for the personal security of victims. The Committee expresses concern about the inadequacy of response of law enforcement personnel and the legal system to cases of violence against women. The Committee is also concerned about the persistence of discrimination against women as a root cause of such violence.

40. **The Committee urges the Cook Islands to give priority attention to the design and implementation of a comprehensive strategy to address all forms of violence against women, in conformity with general recommendation 19, and to prevent such violence, punish offenders and provide services for victims. The Committee calls upon the Cook Islands to enact without delay the proposed Sexual Offences Bill and to amend as necessary other laws, such as the Crimes Act 1969, to encompass all forms of violence against women, including marital rape, and to fully enforce legislation and ensure that perpetrators are prosecuted and punished. The Committee also draws attention to the Secretary-General's in-depth study on all forms of violence against women (A/61/122 and Add.1 and Add.1/Corr.1). It requests the Cook Islands to take steps to raise public awareness, including through media and education programmes, that all forms of violence against women, including sexual harassment, domestic violence and marital rape, are a form of discrimination under the Convention and unacceptable. The Committee calls upon the Cook Islands to ensure that women and girls who are victims of violence have access to immediate and effective means of redress and protection, and requests the Cook Islands to remove impediments women face in gaining access to justice, and provide legal aid to all victims of violence. The Committee recommends the implementation of training for the judiciary and public officials, in particular law enforcement**

personnel, and health-service providers, in order to ensure that they are sensitized to all forms of violence against women and can provide adequate support to victims. It further calls upon the Cook Islands to enhance its data-collection efforts and establish a monitoring and evaluation mechanism so as to regularly assess the impact and effectiveness of measures taken aimed at preventing and redressing violence against women. It invites the Cook Islands to seek international assistance in its efforts to put in place such a comprehensive response.

41. The Committee is concerned about the exploitation of prostitution in the Cook Islands and the lack of information about the links between the extent of prostitution and trafficking in women and girls and the country's tourism industry. It is also concerned about the lack of enforcement of the legal framework to combat the exploitation of prostitution and the criminalization of women and girls who are victims of such exploitation. The Committee is further concerned about the absence of efforts to prevent the exploitation of prostitution and address its root causes, and the lack of protection and services available to victims of exploitation.

42. **The Committee calls upon the Cook Islands to pursue a holistic approach in addressing the exploitation of prostitution, and to provide women and girls with educational and economic alternatives, including economic empowerment programmes for women, including women from the Outer Islands. The Committee calls upon the Cook Islands to address the link between tourism and prostitution, including the demand for prostitution, and to undertake appropriate measures to discourage such demand. The Cook Islands should take steps to ensure the effective prosecution and punishment of those who exploit prostitution. The Committee urges the Cook Islands to consider protective and recovery measures for victims of exploitative prostitution and trafficking. The Committee recommends that the Cook Islands ratify the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children supplementing the United Nations Convention against Transnational Organized Crime.**

43. The Committee is concerned about the lack of a legal mandate for the application of temporary special measures, and the low levels of participation of women in public and political life, especially at the highest levels of decision-making, in particular in Parliament, local governance, especially the Outer Islands Councils, public service, boards and in religious life. It is also concerned that prevailing social and cultural attitudes constitute barriers to women's full participation in all spheres of public life. It expresses concern about the Cook Islands' resistance to the application of temporary special measures in accordance with article 4, paragraph 1, of the Convention. It also notes with concern that the draft bill intended to replace the Outer Islands Local Government Act 1987 does not include requirements for equal representation of women and men in decision-making.

44. **The Committee requests that the Cook Islands take all appropriate measures to increase the number of women in elected and appointed office at all levels, so as to comply with article 7 of the Convention. The Committee encourages the Cook Islands to take concrete measures, including temporary**

special measures in accordance with article 4, paragraph 1, of the Convention, and the Committee's general recommendation 23, on women in political and public life, and 25, on temporary special measures, and to establish concrete goals and timetables so as to accelerate the increase in the representation of women in all spheres of public life. It also encourages the Cook Islands to implement awareness-raising campaigns, including on the purpose of temporary special measures as a necessary strategy to accelerate realization of women's de facto equality, and to highlight the importance to society as a whole of women's full and equal participation in leadership positions in all sectors and at all levels. It also encourages the Cook Islands to incorporate a requirement for women's equal representation in decision-making in the pending bill to replace the Outer Islands Local Government Act 1987.

45. While noting the achievements in the field of education and the phasing out of older educational materials, the Committee is concerned that the principle of the equality of women and men has not yet been incorporated at all levels of the education system, and that gender-based stereotypes discriminatory of women may persist in curricula and teaching methods. It is also concerned that there is no system to monitor the causes and scale of school attrition, and that there are no programmes for students who leave school prematurely, including for pregnant girls and young mothers.

46. **The Committee encourages the Cook Islands to incorporate the principle of the equality of women and men in its education system, and calls upon it to monitor, and where appropriate modify or introduce, educational curricula and teaching methods that promote women's human rights and address the structural and cultural causes of discrimination against women. It encourages the Cook Islands to put in place sensitization training for teachers both pre- and in-service. It also calls upon the Cook Islands to monitor and identify the causes of attrition, and to take appropriate measures to retain girls, especially those from the Outer Islands, in school and to provide alternatives to formal education for those who have left school early.**

47. While noting that a Draft Labour Bill (Employment Relations) is pending approval, to replace the Cook Islands Industrial and Labour Ordinance of 1964 and the Public Service Act of 1995-96, the Committee is concerned that the passage of the bill has been delayed in part due to resistance from the Chamber of Commerce to proposed maternity protections contained therein. It is concerned that, at present, there is no guaranteed maternity protection for women in the private sector, either in the form of paid maternity leave or preservation of employment during pregnancy or after birth. The Committee is also concerned about the lack of a law on sexual harassment, and the apparent lack of such provisions in part IV of the draft bill. The Committee is further concerned that the bill would limit the role of government in labour market matters, and that it may leave the achievement of women's right to equality in the labour market to their capacity to individually or collectively bargain.

48. **The Committee recommends that the Cook Islands ensure that the Draft Labour Bill (Employment Relations) fully complies with article 11 of the Convention, and that discrimination against women is prohibited in the private sector, in accordance with article 2 (e) of the Convention, and that such prohibition is effectively enforced. In the light of the Cook Islands' withdrawal**

of its reservation to article 11 (2) (b), the Committee calls upon it to take all appropriate measures to ensure that maternity leave is available in all public and private sector employment, with pay or with comparable social benefits. The Committee also calls upon the Cook Islands to prohibit sexual harassment in the workplace and guarantee women's rights to individual and collective bargaining. The Committee further encourages increasing attention for preschool programmes, including day-care centres, to assist working mothers.

49. The Committee is concerned with the inadequacy of preventative health care, including in the area of sexual and reproductive health. The Committee is also concerned that there may not be adequate attention paid to all areas of health care, including mental health and services for those women who may need specialized care, such as older women and disabled women and girls. The Committee is concerned that a woman wishing to undergo voluntary tubal ligation is required, under Ministry of Health policy, to receive her husband's or male partner's permission.

50. **The Committee recommends that the Cook Islands take into account its general recommendation 24 on article 12, on women and health, so as to effectively address the differential needs in the area of general health and specific health needs of women, including those with specialized needs. It calls upon the Cook Islands to ensure that all women's health needs, including mental health and preventative care, are adequately addressed, and to enhance access to these services by women in the Outer Islands. The Committee calls upon the Cook Islands to abolish, without delay, the current Ministry of Health policy requiring women to obtain a husband or male partner's permission to undergo voluntary tubal ligation, in order to eliminate discrimination against women in accordance with articles 12 and 16 (e) of the Convention.**

51. The Committee is concerned about the high rates of migration from the Cook Islands, including of women and girls, and is concerned that the Cook Islands is not taking adequate, proactive measures to stop such depopulation through the promotion of women's equal participation in, and benefit from, the development process at all levels, as well as through the provision of various health and other basic services.

52. **The Committee calls upon the Cook Islands to address the reasons for women's out-migration in its development plans, including through the provision of economic empowerment programmes for women, including formal and non-formal education and training for women on the Outer Islands, and to ensure women's equal access to credit and technical assistance to promote women's entrepreneurship.**

53. The Committee is concerned that, according to the Marriage Act 1973, the legal minimum age of consent for marriage is 16 years, but can be younger with the consent of a parent or guardian.

54. **The Committee urges the Cook Islands to raise the minimum age of marriage for women to 18 years, in line with article 16 (2) of the Convention, the Committee's general recommendation 21 and the Convention on the Rights of the Child.**

55. The Committee is concerned about the inadequacy of the protection of a woman's marital property in the event of the intestate death of her husband, and the

lack of statutory provisions covering the division of property upon dissolution of de facto marriages. It is also concerned about discriminatory provisions in the Cook Islands Act 1915 governing child maintenance, and the failure of the Cook Islands to enforce child maintenance orders.

56. **The Committee calls upon the Cook Islands to ensure that the law adequately protects a woman's property rights in the event of the intestate death of her husband and to establish a system of equitable division of marital property upon dissolution of de facto marriages. It invites the Cook Islands to put in place adequate legislative measures, including the review and amendment of existing laws, to guarantee that women obtain child support.**

57. **The Committee encourages the Cook Islands to ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women and to accept, as soon as possible, the amendment to article 20, paragraph 1, of the Convention concerning the meeting time of the Committee.**

58. **The Committee urges the Cook Islands to utilize fully in its implementation of the obligations under the Convention the Beijing Declaration and Platform for Action, which reinforce the provisions of the Convention, and requests the Cook Islands to include information thereon in its next periodic report.**

59. **The Committee also emphasizes that the full and effective implementation of the Convention is indispensable for achieving the Millennium Development Goals. It calls for the integration of a gender perspective and the explicit reflection of the provisions of the Convention in all efforts aimed at the achievement of the Millennium Development Goals and requests the Cook Islands to include information thereon in its next periodic report.**

60. **The Committee notes that adherence to the seven major international human rights instruments[1] enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. Therefore, the Committee encourages the Cook Islands to consider ratifying the treaties to which it is not yet a party, namely, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and to consider ratification in its own right of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, to which it is currently party through territorial application of New Zealand.**

61. **The Committee requests the wide dissemination in the Cook Islands of the present concluding comments in order to make the people, including government officials, politicians, parliamentarians and women's and human**

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[1] The International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

rights organizations, aware of the steps that have been taken to ensure de jure and de facto equality of women, and the further steps that are required in that regard. The Committee requests the Cook Islands to continue to disseminate widely, in particular to women's and human rights organizations, the Convention, its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".

62. **The Committee requests the Cook Islands to respond to the concerns expressed in the present concluding comments in its next periodic report under article 18 of the Convention, which is due in September 2011.**

2. Second and third periodic reports

Liechtenstein

63. The Committee considered the second and third periodic reports of Liechtenstein (CEDAW/C/LIE/2 and CEDAW/C/LIE/3) at its 797th and 798th meetings, on 26 July 2007 (see CEDAW/C/SR.797 (B) and 798 (B)). The Committee's list of issues and questions is contained in CEDAW/C/LIE/Q/3 and the responses by Liechtenstein are contained in CEDAW/C/LIE/Q/3/Add.1.

Introduction

64. The Committee expresses its appreciation to the State party for its second and third periodic reports, which follow the Committee's guidelines for the preparation of periodic reports and take into account the Committee's previous concluding comments.

65. The Committee commends the State party for its written replies to the list of issues and questions raised by the pre-session working group and for the oral presentation and further clarifications offered in response to questions posed orally by Committee members. It expresses its appreciation for the frank and constructive dialogue held between the delegation and the members of the Committee, which provided further insights into the real situation of women in Liechtenstein.

66. The Committee expresses its appreciation to the State party for its delegation headed by the Permanent Representative of Liechtenstein to the United Nations, and which included the Director of the Office of Equal Opportunity.

67. The Committee notes with appreciation that the State party ratified the Optional Protocol to the Convention in October 2001.

Positive aspects

68. The Committee commends the State party on the amendments to the Gender Equality Act in 2006 aimed at the realization of equal treatment of men and women in the workplace; the revision of the Code of Criminal Procedure to enhance the protection of victims and the inclusion in the Penal Code of a provision on stalking; and the adoption of the Victims Assistance Act in June 2007, which will enter into force on 1 April 2008 and will provide counselling and financial assistance to victims. It also commends the Office of Equal Opportunity (Stabstelle für

Chancengleichheit) for the implementation of training and awareness-raising programmes on different aspects of gender equality.

69. The Committee welcomes the contributions of the State party to women's projects and to the promotion of women's human rights in the context of its development cooperation programmes.

Principal areas of concern and recommendations

70. **While recalling the State party's obligation to systematically and continuously implement all the provisions of the Convention, the Committee views the concerns and recommendations identified in the present concluding comments as requiring the priority attention of the State party between now and the submission of the next periodic report. Consequently, the Committee calls upon the State party to focus on those areas in its implementation activities and to report on action taken and results achieved in its next periodic report. It also calls upon the State party to submit the present concluding comments to all relevant ministries and to Parliament in order to ensure their full implementation.**

71. While noting that the Convention is directly applicable, the Committee is concerned that the Convention has not received sufficient visibility and is not regularly used as the legal basis for measures, including legislation, aimed at the elimination of discrimination against women and the promotion of gender equality in the State party. The Committee is further concerned that the provisions of the Convention have not been used in court proceedings, which may indicate a lack of awareness of the Convention among the judiciary and legal professions.

72. **The Committee urges the State party to place greater emphasis, in its efforts to achieve gender equality, on the Convention as a legally binding and directly applicable human rights instrument. It also calls upon the State party to take proactive measures to enhance awareness of the Convention, in particular among women and men in the judiciary and the legal profession, political parties, Parliament and Government officials at all levels, including law enforcement officials, in order to strengthen its use in the development and implementation of all legislation, policies and programmes aimed at the practical realization of the principle of equality between women and men. The Committee encourages the State party to systematically promote knowledge and understanding of the Convention and gender equality through its training programmes.**

73. While acknowledging the dual system of the State party, the Committee is concerned about the State party's reservation to article 1 of the Convention with respect to hereditary succession to the throne within the Princely House of Liechtenstein, which denies women's access to the throne, as confirmed by the delegation.

74. **The Committee encourages the State party to discuss its reservation to article 1 of the Convention with the autonomous Princely House of Liechtenstein with a view to its withdrawal.**

75. While noting recent revisions to the Gender Equality Act of 1999, pertaining to the equal treatment of men and women in the workplace, as well as its 2006 revisions to include definitions of sexual harassment and direct and indirect

discrimination in the labour market, the Committee is concerned that its recommendation, made at the occasion of the consideration of Liechtenstein's initial report in 1999 (A/54/38/Rev.1, part I, para. 160), that the Act not be limited to working life but extend to all spheres of life in order to accelerate equality in both public and private life, was not reflected in the finalization of the Act nor in its subsequent amendments. The Committee is concerned that the limited scope of the Act may lead to diminished attention being paid to eliminating discrimination against women in all other fields covered by the Convention.

76. **The Committee calls upon the State party to actively pursue the elimination of discrimination against women and the practical realization of the principle of equality of women and men, in accordance with articles 1 and 2 of the Convention, in all spheres of life. It requests the State party to carefully and systematically monitor the implementation of all the provisions of the Convention and to effectively eliminate discrimination against women in all areas covered by the Convention in order to promote and accelerate realization of de jure and de facto equality between women and men.**

77. While noting the increase in women's participation in the labour force, the Committee is concerned that women are over-represented among part-time workers and among the unemployed, which may have long-term effects on their economic situation throughout their life cycle. The Committee remains concerned about the persistent vertical and horizontal occupational segregation, the wage gap and the fact that a significant number of women leave the workforce after childbirth. The Committee is further concerned of the reluctance of the private sector to implement measures to improve women's employment status.

78. **The Committee urges the State party to intensify its efforts to ensure equal opportunities for women and men in the labour market, in both the public and private sectors. The Committee recommends that the State party take proactive measures to eliminate occupational segregation, such as the provision of enhanced educational and training opportunities for women, and continue to expand measures to facilitate women's re-entry into the workforce after childbirth. The Committee recommends that the State party enforce and monitor the application of existing measures on equal pay for equal work and work of equal value, flexible work arrangements and part-time work in the public and private sectors and develop, as necessary, measures to counteract any possible adverse consequences of part-time work for women, especially in regard to their pension and retirement benefits. The Committee further urges the State party to ensure that measures to facilitate the reconciliation of family and work responsibilities be targeted at both women and men and to work towards greater involvement of men in domestic and care responsibilities. The State party should adopt measures that encourage fathers to make greater use of parental leave and consider creating financial incentives towards that end.**

79. The Committee is concerned about the continued underrepresentation of women in elected and appointed bodies, despite the resolution adopted by the Government in 1997 that no gender should be represented by more than two thirds in appointed bodies. It is also concerned that women remain underrepresented in senior positions within the public administration, including the diplomatic service, the judiciary and educational institutions, as well as the private sector, thus limiting women's participation in decision-making processes in all areas.

80. **The Committee encourages the State party to intensify its efforts to strengthen women's representation in leadership roles and in decision-making positions in political bodies, including Parliament, municipal councils, commissions and advisory councils, in public administration, including the diplomatic service, and in the private sector. It recommends that the State party expand its current awareness-raising efforts and training activities to a wider range of stakeholders, including leaders of political parties, senior managers in the private sector and boards of trustees of foundations under public law. The Committee recommends that the State party take measures, in particular temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25 on temporary special measures and general recommendation 23 on women in public life, so as to accelerate the achievement of women's full and equal participation at all levels and in all areas. It requests the State party to monitor the impact of measures taken and results achieved over time and to report thereon in its next periodic report.**

81. The Committee expresses concern at the State party's limited application of article 4, paragraph 1, of the Convention on temporary special measures, which is not in line with the Committee's general recommendation 25.

82. **The Committee recommends that the State party further assess the results achieved with currently applied temporary special measures and, accordingly, consider expanding these to a variety of strategies, including legislative and administrative measures, outreach and support programmes, the allocation of resources and the creation of incentives, targeted recruitment and the setting of time-bound goals and quotas, in different areas of the Convention. In such efforts, the State party should take account of the Committee's general recommendation 25 on article 4, paragraph 1, of the Convention.**

83. While welcoming the State party's efforts to address stereotypical attitudes and behaviours that discriminate against women and perpetuate inequality between women and men, the Committee remains concerned about the persistence of traditional attitudes and stereotypes regarding the roles and responsibilities of women and men in the family and in society. The Committee is concerned that women continue to be stereotyped as mothers and caregivers, while men are stereotyped as breadwinners. Such stereotypes undermine women's social status, as reflected in women's disadvantaged position in a number of areas, including in the labour market and in access to decision-making positions, and affect women's choices in their studies and professions. The Committee notes that such stereotypes constitute a significant impediment to the practical realization of the principle of equality of women and men, as called for in article 2 (a) of the Convention.

84. **The Committee calls upon the State party to put in place a comprehensive policy, targeted at men and women, boys and girls, to overcome traditional stereotypes regarding the roles of women and men in society and in the family, in accordance with articles 2 (f) and 5 (a) of the Convention. Such a policy should include legal, administrative and awareness-raising measures, involve public officials and civil society and target the entire population. It should also focus on the involvement of different media, including print and the Internet, and encompass both specialized and general programmes.**

85. The Committee is concerned about the lack of legal provisions governing de facto unions, which may deny women protection and redress in cases of separation or violence against women.

86. **The Committee encourages the State party to review its current legal system governing marriage and family relations with a view to extending existing legal provisions to couples living in de facto unions.**

87. While noting the ongoing discussions in a multi-stakeholder working group, the Committee is concerned that women who elect to undergo abortion are subject to strict punishment.

88. **The Committee recommends that the State party consider reviewing the laws relating to abortion with a view to removing punitive provisions for women who undergo abortion, in line with the Committee's general recommendation 24 on women and health and the Beijing Declaration and Platform for Action. The Committee also encourages the State party to carefully monitor the delivery of health services in order that it may respond in a gender-sensitive manner to all health concerns of women and in this regard invites the State party to utilize the Committee's general recommendation 24 as a framework for action to ensure that all health policies and programmes integrate a gender perspective.**

89. **The Committee requests the State party to provide, in its next report, information on the results obtained from studies and surveys with regard to the impact of laws, policies, plans and programmes aimed at achieving gender equality.**

90. **The Committee urges the State party, in its implementation of its obligations under the Convention to fully utilize the Beijing Declaration and Platform for Action, which reinforce the provisions of the Convention, and requests the State party to include information thereon in its next periodic report.**

91. **The Committee also emphasizes that a full and effective implementation of the Convention is indispensable for achieving the Millennium Development Goals. It calls for the integration of a gender perspective and the explicit reflection of the provisions of the Convention in all efforts aimed at the achievement of the Millennium Development Goals and requests the State party to include information thereon in its next periodic report.**

92. **The Committee notes that the adherence of States to the seven major international human rights instruments enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. The Committee therefore encourages the Government of Liechtenstein to consider ratifying the treaty to which it is not yet a party, namely, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.**

93. **The Committee requests the wide dissemination in Liechtenstein of the present concluding comments in order to make the people, including government officials, politicians, parliamentarians and women's and human rights organizations, aware of the steps that have been taken to ensure de jure and de facto equality of women and of the further steps that are required in**

that regard. The Committee requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Convention, its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".

94. **The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report under article 18 of the Convention, which is due in January 2009.**

3. Third periodic report

Singapore

95. The Committee considered the third periodic report of Singapore (CEDAW/C/SGP/3) at its 803rd and 804th meetings, on 1 August 2007 (see CEDAW/C/SR.803 (A) and 804 (A)). The Committee's list of issues and questions is contained in CEDAW/C/SGP/Q/3, and the responses by Singapore are contained in CEDAW/C/SGP/Q/3/Add.1.

Introduction

96. The Committee expresses its appreciation to the State party for its third periodic report, which follows the Committee's guidelines for the preparation of periodic reports and takes into account some of the Committee's previous concluding comments. The Committee notes, however, that the report does not contain sufficient statistical data disaggregated by sex in all areas covered by the Convention.

97. The Committee commends the State party for its extensive written replies to the list of issues and questions raised by the pre-session working group and for the oral presentation and further clarifications offered in response to questions posed orally by Committee members. It expresses its appreciation for the frank and constructive dialogue held between the delegation and the members of the Committee, which provided further insights into the situation of women in Singapore.

98. The Committee expresses its appreciation to the State party for its high-level delegation headed by the Minister of State for Community Development, Youth and Sports, and which included the Chair of the Inter-Ministry Committee on CEDAW and representatives of a number of ministries and government offices, as well as the Syariah Court, the National Trades Union Congress and non-governmental organizations involved in the implementation of the Convention.

99. The Committee commends the State party on the withdrawal of its reservation, made upon ratification, with regard to article 9. The Committee notes that the State party maintains its reservations to articles 2, 11, paragraph (1), and 16 of the Convention.

Positive aspects

100. The Committee commends the State party for its efforts to ensure implementation of the Convention through establishing the Women's Desk within

the Ministry of Community Development, Youth and Sport and the Inter-Ministry Committee on CEDAW, the cooperation with tripartite committees and women's organizations, and the development of a number of guidelines in areas such as gender stereotyping in the media and fair employment practices.

101. The Committee welcomes the various efforts made by the State party to combat domestic violence, including through the establishment of Family Violence Dialogue Group, which brings together representatives from different ministries, courts, prisons, social services and women's organizations. The Committee also commends the State party for the introduction of counselling orders which provide for mandatory counselling for perpetrators and victims.

102. It also welcomes the removal of the discriminatory quota for women students entering the faculty of medicine and the revisions within the medical scheme for civil servants, which now allows both women and men to claim medical benefits for their spouses and unmarried children under the age of 18.

103. The Committee commends the State party on the progress made in other areas, namely the increase in women's representation in Parliament; the measures taken to strengthen the protection of foreign domestic workers; and the provisions made to support the employment and financial security of older women.

Principal areas of concern and recommendations

104. **While recalling the State party's obligation to systematically and continuously implement all the provisions of the Convention, the Committee views the concerns and recommendations identified in the present concluding comments as requiring the State party's priority attention between now and the submission of the next periodic report. Consequently, the Committee calls upon the State party to focus on those areas in its implementation activities and to report on action taken and results achieved in its next periodic report. It calls on the State party to submit the present concluding comments to all relevant ministries and to Parliament so as to ensure their full implementation.**

105. The Committee reiterates its deep concern about the State party's general reservations to articles 2 and 16 and its reservation to article 11, paragraph 1, of the Convention. The Committee draws the attention of the State party to the fact that it considers reservations to articles 2 and 16 to be contrary to the object and purpose of the Convention.

106. **The Committee urges the State party to exert its efforts towards the withdrawal, within a concrete time frame, of its reservations to article 2, article 11, paragraph (1) and article 16 of the Convention. The Committee encourages the State party to engage in a multi-stakeholder consultation, with women fully represented in each group, on the extent and scope of its reservations and their impact on all women's enjoyment of the rights enshrined in the Convention, and to work towards the necessary revisions to relevant laws in order to facilitate withdrawal of the reservations. It requests the State party to include in its next report an analysis of the precise scope of these reservations and their impact on different groups of women.**

107. The Committee is concerned that, although the Constitution guarantees equality of all persons in article 12 (1), it does not explicitly recognize equality on the basis of sex and there is no definition of discrimination against women in

accordance with article 1 of the Convention in the State party's legislation, including the Women's Charter.

108. **The Committee encourages the State party to incorporate in its Constitution or other appropriate legislation a definition of discrimination against women, encompassing both direct and indirect discrimination, in line with article 1 of the Convention, and also to include provisions to prohibit discrimination against women on other grounds, in particular marital status, age, disability and national origin. The Committee encourages the State party to work towards the practical realization of the principle of equality between women and men, as required under article 2 of the Convention, and not solely towards achievement of equality of opportunities. It also calls upon the State party to provide systematic and sustained training for lawyers, judges, law enforcement officers, educators, leaders of the People's Association, non governmental organizations and trade unions on the Convention and its concept of de facto or substantive equality in order to build a culture in support of human rights, gender equality and non-discrimination in the country.**

109. While welcoming the proposed bill on raising the minimum age of marriage for Muslim women to 18 years, the Committee is concerned about the existence of the dual legal system of civil law and sharia law in regard to personal status, which results in continuing discrimination against Muslim women in the fields of marriage, divorce and inheritance.

110. **The Committee urges the State party to undertake a process of law reform to remove inconsistencies between civil law and sharia law, including by ensuring that any conflict of law with regard to women's rights to equality and non-discrimination is resolved in full compliance with the provisions of the Convention and the Committee's general recommendations, particularly general recommendation 21 on equality in marriage and family relations. In this regard, it encourages the State party to study comparative jurisprudence and legislation of other countries with similar legal systems as regards the interpretations of Islamic law and its codification, and to ensure that Muslim women have full, easy and affordable access to civil law in all matters. It also encourages the State party to take all necessary steps to increase support for law reform, including through partnerships and collaboration with Islamic jurisprudence research organizations, civil society organizations, in particular women's non-governmental organizations, and religious and other community leaders.**

111. While appreciating the accomplishments of the Women's Desk, i.e. the national machinery for the advancement of women, the Committee is concerned about its location within the Family Development Group of the Ministry of Community Development, Youth and Sports, its limited authority, human and financial resources and its capacity to ensure that gender equality policies are properly developed and fully implemented throughout the work of all ministries and government offices.

112. **The Committee encourages the State party to elevate the status of the national machinery for the advancement of women, to strengthen its mandate and provide the necessary human and financial resources so that it has the capacity to develop gender equality policies and monitor their implementation, as well as act as catalyst for the effective use of the gender mainstreaming**

strategy across all ministries, and to do so in collaboration with the Inter Ministry Committee on CEDAW. The Committee also requests the State party to give necessary attention and allocate sufficient resources to strengthen the collection and use of sex-disaggregated data in all sectors, including their public availability.

113. While noting the progress made in the representation of women in Parliament, the Committee is concerned that the proportion of women parliamentarians is still low, especially given Singaporean women's educational achievements and competence. While noting the State party's use of a "principle of gender-neutral meritocracy" in its nomination, selection and promotion procedures, the Committee is also concerned that there are still no women ministers in the Cabinet, and that women continue to be underrepresented at senior levels within the public administration, including the diplomatic service, the judiciary and educational institutions, as well as the private sector, thus limiting women's equal participation in decision-making processes in all areas.

114. **The Committee encourages the State party to intensify its efforts towards strengthening women's representation in leadership roles, including elected and appointed positions, in the Cabinet, Parliament, public administration, the judiciary and the private sector. The Committee recommends that the State party strengthen its nomination, selection and promotion procedures with temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendations 25 and 23 so as to accelerate the achievement of women's full and equal participation in political and public life and decision-making at all levels and in all areas.**

115. The Committee is concerned at the narrow definition of trafficking employed by the State party. It is further concerned that women and girls who have been trafficked may be punished for violation of immigration laws and be treated as offenders rather than victims.

116. **The Committee recommends that the State party ratify the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children supplementing the United Nations Convention against Transnational Organized Crime. It encourages the State party to review its current legal and policy measures in the light of the definition of trafficking contained in the Protocol in order to better identify victims of trafficking and prosecute traffickers. The Committee urges the State party to ensure that women and girl victims of trafficking are not punished for violations of immigration laws and have adequate support so that they can provide testimony against their traffickers and have access to adequate assistance and remedies.**

117. While recognizing the strengthened measures to protect foreign domestic workers, including the demerit point system against abusive employers, the Committee is concerned about the situation of foreign domestic workers, in particular the regular pregnancy testing, the prohibition to marry Singaporeans and the lack of a mandatory day off. It is concerned that the Employment Act does not cover foreign domestic workers, and the Employment of Foreign Workers Act deals mainly with the issue of work permits rather than providing the necessary protection of the rights of foreign domestic workers. The Committee is also concerned that the security bond deposited by employers often results in a restriction on the freedom of foreign domestic workers.

118. **The Committee calls upon the State party to review the legal protection afforded to foreign women domestic workers under the Employment of Foreign Workers Act. It calls upon the State party to ensure that such workers benefit from wider protection whether under the Employment Act or under separate legislation on foreign domestic workers, especially with regard to their contractual status, and that the State party, rather than private associations, directly supervises compliance by employment agencies and employers. It recommends that foreign domestic workers be entitled to adequate wages, decent working conditions, including a day off, benefits, including medical insurance, and access to complaint and redress mechanisms. The Committee requests that the State party raise the awareness of employers of foreign domestic workers concerning the purpose of the security bond so that they would not limit foreign domestic workers' freedom of movement under any circumstances.**

119. The Committee is concerned about the situation of foreign wives of Singaporean citizens, especially with regard to violence and abuse, their right to work and their residence status in the country.

120. **In line with the recent withdrawal of the reservation to article 9, the Committee calls upon the State party to provide foreign wives of Singaporean citizens, in cases of abuse and violence, with prompt access to information and sufficient shelters for the time period required. It also requests the State party to provide a work permit to foreign wives with a social visit pass and develop a system of granting citizenship to foreign wives within a clear and reasonable time frame after marriage, rather than considering citizenship applications case by case.**

121. The Committee is concerned about the reluctance of the State party to criminalize marital rape, and notes that current reform proposals would recognize marital rape as a crime only in very narrowly defined circumstances.

122. **The Committee requests the State party to enact legislation criminalizing marital rape, defined as lack of consent of the wife/spouse.**

123. While recognizing the State party's achievements in the area of women's employment, the Committee reiterates its concern about the reservation, made upon ratification, to article 11, paragraph (1), of the Convention and remains concerned about the continuing vertical and horizontal occupational segregation; the persistent wage gap between women and men; and the lack of a legal definition and prohibition of sexual harassment.

124. **The Committee urges the State party to withdraw its reservation to article 11, paragraph (1), and to adopt effective measures to eliminate occupational segregation, both horizontal and vertical. To this end, the Committee requests that the State party should evaluate its gender-neutral provisions, such as the guidelines produced by the Tripartite Alliance for Fair Employment Practices, for their potential impact and possible indirect discrimination against women. The Committee further requests the State party to also ensure that women in managerial, executive and confidential positions, who are not covered by the Employment Act, are guaranteed the full legal maternity leave protection in the public and private sectors. The Committee calls upon the State party to ensure that paid family, maternity and paternity leave is guaranteed to all employees**

in the public and private sectors so as to ensure the equal sharing of family and work responsibilities by women and men. In the light of the State party's recent ratification of the Convention concerning Equal Remuneration (Convention No. 100 of the International Labour Organization), the Committee calls upon the State party to adopt legislation guaranteeing equal pay for work of equal value so as to narrow and close the wage gap between women and men. The Committee also encourages the State party to take steps to enact legislative provisions on sexual harassment at the workplace as well as in educational institutions, including sanctions, civil remedies and compensation for victims.

125. The Committee reiterates its concern about the persistence of patriarchal attitudes and deep-rooted stereotypes regarding the roles and responsibilities of women and men within the family and society at large. These stereotypes present a significant obstacle to the implementation of the Convention, are a root cause of violence against women in the private and public spheres, put women in a disadvantaged position in a number of areas, including in the labour market, and limit their access to leadership positions in political and public life.

126. **The Committee recommends that the State party take measures to bring about changes in traditional patriarchal attitudes and in gender-role stereotyping. Such measures should include awareness-raising and public education campaigns, with a special focus in the curriculum on human rights education and women's rights and children's rights issues, in cooperation with a wide range of stakeholders, including the national machinery for the advancement of women, women's organizations, trade unions, the National Employers Federation, the media, educational institutions and the People's Association, with a view to eliminating stereotypes associated with traditional gender roles in the family and in society, in accordance with articles 2 (f) and 5 (a) of the Convention. It recommends that the State party expand its current awareness-raising efforts and training activities to leaders of political parties and senior managers in the private sector. The Committee calls upon the State party to ensure that all measures to enhance work/life balance are targeted at both women and men in the public and private sectors, so as to further support the equal sharing of family and work responsibilities between women and men.**

127. **The Committee encourages the State party to ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women and to accept, as soon as possible, the amendment to article 20, paragraph 1, of the Convention concerning the meeting time of the Committee. The Committee urges the State party to utilize fully in its implementation of the obligations under the Convention the Beijing Declaration and Platform for Action, which reinforce the provisions of the Convention, and requests the State party to include information thereon in its next periodic report.**

128. **The Committee emphasizes that the full and effective implementation of the Convention is indispensable for achieving the Millennium Development Goals. It calls for the integration of a gender perspective and the explicit reflection of the provisions of the Convention in all efforts aimed at the achievement of the Millennium Development Goals and requests the State party to include information thereon in its next periodic report.**

129. **The Committee notes that States' adherence to the seven major international human rights instruments[1] enhances the enjoyment by women of**

their human rights and fundamental freedoms in all aspects of life. Therefore, the Committee encourages the Government of Singapore to consider ratifying the treaties to which it is not yet a party, namely the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

130. **The Committee requests the wide dissemination in Singapore of the present concluding comments in order to make the people, including government officials, politicians, parliamentarians and women's and human rights organizations, aware of the steps that have been taken to ensure de jure and de facto equality of women, and the further steps that are required in that regard. The Committee requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Convention, its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".**

131. **The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report under article 18 of the Convention, which is due in November 2009.**

4. Combined third and fourth periodic reports

Belize

132. The Committee considered the combined third and fourth periodic report of Belize (CEDAW/C/BLZ/3-4) at its 793rd and 794th meetings, on 24 July 2007 (CEDAW/C/SR.793 (A) and 794 (A)). The Committee's list of issues and questions is contained in CEDAW/C/BLZ/Q/4, and the responses of Belize are contained in CEDAW/C/BLZ/Q/4/Add.1.

Introduction

133. The Committee expresses its appreciation to the State party for its combined third and fourth periodic report, but regrets that it was overdue and did not provide sufficient sex-disaggregated data. The Committee also expresses its appreciation for the written replies to the list of issues and questions raised by the pre-session working group and for the oral presentation and responses to the questions posed by the Committee.

134. The Committee commends the State party for its delegation, headed by the Minister for Human Development, and for the frank and constructive dialogue held between the delegation and the members of the Committee.

135. The Committee notes with satisfaction that the State party ratified the Optional Protocol to the Convention in 2002.

Positive aspects

136. The Committee commends the State party for the institutional arrangements and framework it has put in place for improved implementation of the Convention,

including the National Gender Policy, the Women's Agenda 2003-2008 and the appointment of Women Development Officers in each district.

137. The Committee commends the State party for the law reform process it has undertaken to promote women's rights, which has resulted in the amendment to the Constitution to guarantee gender equality, as well as amendments to the Criminal Code, the Evidence Act, the Wages Council Act, the Married Persons Protection Act, the Supreme Court of Judicature Act and the Administration of Estates Act. It also welcomes the enactment of new legislation, including the Domestic Violence Act of 2007, which will take effect in July 2007, and the Trafficking in Persons (Prohibition) Act of 2003.

138. The Committee notes with satisfaction the goals set in the Women's Agenda 2003-2008 to increase the number of women in the Cabinet, the Senate and the State Boards to 30 per cent, as well as the objective of the Belize Rural Development Programme to increase the number of women and youth participating in development plans and projects by 30 per cent.

Principal areas of concern and recommendations

139. **While recalling the State party's obligation to implement systematically and continuously all provisions of the Convention, the Committee views the concerns and recommendations identified in the present concluding comments as requiring the State party's priority attention between the present time and the time of submission of the next periodic report. Consequently, the Committee calls upon the State party to focus on those areas in its implementation activities and to report on the action taken and the results achieved in its next periodic report. It calls upon the State party to submit the present concluding comments to all relevant ministries and to its parliament so as to ensure their full implementation.**

140. The Committee regrets that the report does not provide sufficient statistical data, disaggregated by sex, ethnicity and rural and urban areas, on the practical realization of the principle of equality between women and men in all areas covered by the Convention. It is also concerned that the report provides no information on the situation of older and disabled women. The Committee is concerned that the lack of such data is an impediment to evaluating the impact of measures taken by the State party and the results achieved.

141. **The Committee calls upon the State party to put in place a comprehensive system of data collection in all areas covered by the Convention so as to assess the actual situation of women and to track trends over time. It also calls upon the State party to monitor, through measurable indicators, the impact of measures taken and progress achieved towards the realization of women's de facto equality. It invites the State party, when necessary, to seek international technical assistance for the development of such data collection and analysis efforts. The Committee requests the State party to include in its next report statistical data and analysis, disaggregated by sex, ethnicity and rural and urban areas, in regard to the provisions of the Convention, indicating the impact of measures taken and of results achieved in the practical realization of women's de facto equality. The Committee also requests that information on the situation of older and disabled women be included in the next report.**

142. The Committee is concerned that there is inadequate enforcement of laws and insufficient implementation of the provisions of the Convention and policies and programmes for the advancement of women by the State party. The Committee is concerned that the Convention and existing laws, policies and programmes are not sufficiently known in the State party. It is also concerned about the lack of access to justice for women.

143. **The Committee urges the State party to strengthen enforcement of its laws and recommends that the State party elaborate a comprehensive operational plan for the effective implementation of the Convention and of its policies and programmes for the advancement of women. The Committee calls on the State party to intensify its efforts to raise awareness about the Convention and about laws, policies and programmes that are designed to enhance women's enjoyment of their rights. The Committee encourages the State party to eliminate impediments women may face in gaining access to justice and to enhance women's legal literacy, awareness of their rights and capacity to effectively claim them.**

144. The Committee is concerned about the weak institutional capacity of the national machinery for the advancement of women, i.e., the Women's Department in the Ministry of Human Development, which is under-resourced and understaffed and does not have the capacity or authority to work effectively for the full implementation of the Convention and to coordinate the use of the gender mainstreaming strategy across all sectors of Government. The Committee is concerned about the scarcity of personnel at the district level to promote gender equality. It remains concerned about the absence of mechanisms to monitor implementation of the Convention and evaluate the impact of laws, policies and programmes on the achievement of women's equality. The Committee is concerned that, owing to excessive dependence on short-term external funding and development aid, the national machinery for the advancement of women has not achieved a sufficient degree of sustainability and professional efficiency in its work.

145. **The Committee calls on the State party to give priority to the strengthening of the national machinery for the advancement of women and to provide it with the authority, decision-making power and human and financial resources necessary to work effectively for the promotion of women's equality, coordinate the use of the gender mainstreaming strategy across all sectors of Government and ensure that such efforts are results-oriented and sustainable in the long term. The Committee recommends that the national machinery for the advancement of women be strengthened at district levels by forming multidisciplinary teams for implementation of the Convention, including in the area of violence against women. The Committee further recommends that the State party put in place effective mechanisms and systems to monitor implementation of the Convention and evaluate the impact of its laws, policies and programmes in terms of achieving the goal of gender equality, within clear timetables.**

146. The Committee is concerned that the widespread poverty among women — the poverty rate stands at 33.5 per cent — is among the causes of the violation of women's rights and discrimination against them, particularly in the rural areas and among Mayan women. It is concerned that there has been no evaluation of several multimillion-dollar projects designed to combat poverty in the rural areas since

1996. The Committee is concerned at the large number of women who are heads of household and who are particularly vulnerable to poverty.

147. **The Committee urges the State party to make the promotion of gender equality an explicit component of all its national development strategies, policies and programmes, in particular those aimed at poverty alleviation and sustainable development. The Committee also invites the State party to place emphasis on the promotion and protection of women's human rights in all development cooperation programmes with international organizations and bilateral donors so as to address the socio-economic causes of discrimination against women. The Committee recommends that the State party put in place evaluation and monitoring mechanisms to assess the impact of its poverty reduction strategies on women, including those in the rural areas, and provide information in its next report. It calls on the State party to pay special attention, and provide targeted support, to women heads of household in all its poverty-eradication efforts, including in the rural areas and among Mayan women.**

148. The Committee remains concerned about the low rate of representation of women in public life and in elected bodies. The Committee notes with concern that the Political Reform Commission recommended against the adoption of a quota system for the appointment of women to public bodies in 2000 and that the State party does not support the use of quotas or targets to accelerate the achievement of de facto equality between women and men in all areas of the Convention.

149. **The Committee urges the State party to effectively use temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25, in order to accelerate the realization of women's de facto equality with men in all areas. The Committee draws the State party's attention to the fact that a purely formal or programmatic approach is not sufficient to achieve women's de facto equality with men, and that the application of temporary special measures is part of a necessary strategy towards the accelerated achievement of substantive equality for women in all areas covered by the Convention. The Committee encourages the State party to establish a legislative basis for the use of temporary special measures, either in the Constitution or in other appropriate legislation. It urges the State party to establish concrete goals, such as quotas and timetables, to accelerate achievement of substantive equality between women and men for each area of the Convention.**

150. While welcoming the new Domestic Violence Act, which takes effect in July 2007, the Committee is concerned about the continued prevalence of violence against women and the lack of social awareness about it in the country. The Committee is concerned that women victims of violence are advised to return to their abusive partners by authority figures, including the police and magistrates. It is concerned about the limited progress made in the State party in preventing and eliminating violence against women, reflected in a lack of prosecutions and convictions and lack of access to justice for women, particularly in the rural areas. The Committee is further concerned that despite the criminalization of marital rape, there are apparently no prosecutions for that crime in the State party. It regrets the lack of information and statistical data on all types of violence against women and

of steps taken to assess the effectiveness of measures undertaken to address violence against women.

151. **The Committee urges the State party to place high priority on implementing a comprehensive approach to addressing all forms of violence against women, including through the effective enforcement and monitoring of the Domestic Violence Act. It also urges the State party to raise public awareness, through media and educational programmes, that all forms of violence against women, including domestic violence and marital rape, are unacceptable and prohibited by law. The Committee calls upon the State party to provide training on the new Act to the judiciary, law enforcement officials, legal professionals, social workers and health providers and to fully sensitize them to all forms of violence against women so as to ensure that the perpetrators of violence are effectively prosecuted and punished with the required seriousness and speed. The Committee further recommends that the State party seek to increase the number of female judges and law enforcement officials as a means to encourage women to report cases of violence. It calls on the State party to establish support measures for victims of domestic violence, including increasing the number of shelters and legal, medical and psychological support. The Committee encourages the State party to make full use of the Committee's general recommendation 19 in its efforts to address violence against women. The Committee urges the State party to establish a centralized system to gather data on the prevalence and incidence of violence against women and to include such data, as well as information about the impact of measures taken, in its next periodic report.**

152. While the Committee notes the enactment of the Trafficking in Persons (Prohibition) Act in 2003, the Committee is concerned that Belize is becoming a destination country for trafficked women from El Salvador, Guatemala, Honduras and Nicaragua. The Committee is also concerned about the lack of information regarding the extent of trafficking and exploitation of prostitution in the country, and the potential negative impact that increased tourism could have on the incidence of prostitution and trafficking.

153. **The Committee calls upon the State party to ensure that legislation on trafficking is fully enforced. It recommends that the State party address the root cause of trafficking and exploitation of prostitution by increasing its efforts to improve the economic situation of women, thereby eliminating their vulnerability to exploitation and traffickers, and take measures for the rehabilitation and social integration of women and girls who are victims of trafficking and exploitation of prostitution. It recommends that the State party further strengthen bilateral, subregional and multilateral cooperation to combat trafficking. The Committee recommends that the State party closely monitor the impact of increased tourism on prostitution and enhance related prevention measures.**

154. The Committee is concerned about the persistence of social barriers that impede women's education and are reflected in the early dropout rate of girls from school and the lack of measures to ensure that teenage mothers stay in or return to school. The Committee reiterates its concern about the influence of the church on girls' and young women's right to education. In that regard, the Committee repeats its concern that schools remain free to expel girls because of pregnancy, that only a

few secondary schools allow girls to continue their education after pregnancy and that schools are allowed to dismiss unwed teachers who become pregnant. It is also concerned that insufficient efforts are being made to encourage girls and young women to enter traditionally male-dominated fields of study.

155. **The Committee recommends that the State party implement measures to ensure equal rights of girls and young women to all levels of education, to retain girls in school and to put in place monitoring mechanisms to track girls' access to and achievement levels in education. The Committee recommends that the State party put in place measures, including monitoring mechanisms and sanctions, to ensure that pregnant students stay in school during pregnancy and return after childbirth. The Committee calls on the State party to formulate the necessary legislative and policy measures to ensure de facto adherence to article 10 of the Convention throughout the entire educational system. It also encourages the State party to actively promote the diversification of educational and professional choices for women and men and offer incentives for young women to enter traditionally male-dominated fields of study.**

156. The Committee expresses concern about the situation of women in the labour market, which is characterized by levels of female unemployment at twice the rate of men, inadequate employment opportunities for women, the concentration of women in low-paid sectors of public employment and the consistent wage gap between women and men. It is concerned about the lack of enforcement of labour laws regarding discrimination in the private sector. The Committee notes with concern the absence of a system of maternity leave with pay or with comparable social benefits for all women as required by article 11, paragraph 2 (b), of the Convention. The Committee is further concerned that, while legislation governing sexual harassment is in place, women do not utilize the law to address incidents of sexual harassment in the workplace.

157. **The Committee urges the State party to fully implement article 11 of the Convention. It encourages the State party to implement measures to encourage and support women's entrepreneurship, including by raising awareness and providing access to credit. The Committee recommends that efforts be strengthened to eliminate occupational segregation, both horizontal and vertical, and to adopt measures to narrow and close the wage gap between women and men by applying job-evaluation schemes in the public sector connected with a wage increase in female-dominated sectors. The Committee urges the State party to take further appropriate measures to introduce maternity leave with pay or with comparable social benefits for all women, in line with article 11, paragraph 2 (b), of the Convention. It encourages the State party to ensure full compliance with its labour laws, including by the private sector. It also urges the State party to implement its laws on sexual harassment, raise awareness for women and men workers and ensure that women take advantage of the laws' protective provisions. The Committee invites the State party to monitor the impact of measures taken and trends over time.**

158. The Committee expresses its concern about the inadequate recognition and protection of the reproductive health and rights of women in Belize. The Committee is concerned about the high maternal mortality rates. It is further concerned about the number of deaths resulting from induced abortions. The Committee further reiterates its concern about the high rate of teenage pregnancies, which present a

significant obstacle to girls' educational opportunities and economic empowerment. The Committee expresses its concern about the high rates of HIV/AIDS among women and girls, and notes that HIV/AIDS-related illnesses are the leading cause of death among women between the ages of 15 and 49.

159. **The Committee urges the State party to take concrete measures to enhance women's access to health care, in particular to sexual and reproductive health services, in accordance with article 12 of the Convention and the Committee's general recommendation 24, on women and health, and to ensure a reduction in the maternal mortality rate. The Committee recommends that the State party consider reviewing the laws relating to abortion with a view to removing punitive provisions imposed on women who have abortions and providing them with access to quality services for the management of complications arising from unsafe abortions, in accordance with the Committee's general recommendation 24 and the Beijing Declaration and Platform for Action, and to reducing the number of deaths resulting from induced abortions. It also recommends that the State party enhance sex education and availability of contraceptives so as to prevent women from having to resort to unsafe abortions. The Committee recommends that the State party give priority attention to the situation of adolescents and that it provide sex education, targeted at girls and boys, with special attention to the prevention of early pregnancies and sexually transmitted diseases. The Committee recommends that the State party step up its efforts to prevent and combat HIV/AIDS and improve the dissemination of information about the risks and ways of transmission. It also recommends that the State party include a gender perspective in its policies and programmes on HIV/AIDS.**

160. The Committee is especially concerned about the precarious situation of women in rural areas, who are disproportionately affected by poverty, who have limited access to adequate health services, education, clean water and credit facilities, and who also lack access to justice. The Committee notes with concern that women living in rural areas may not benefit fully and equally from the State party's legislative and policy framework for the promotion of gender equality and that the majority of support systems are located in the cities. It is also concerned about the lack of adequate sex-disaggregated data, which continues to be a major obstacle in determining the overall position of rural women.

161. **The Committee urges the State party to give full attention to the needs of rural women and to ensure that all policies and programmes aimed at promoting gender equality, including those relating to health, education, clean water and access to justice and to credit reach the rural areas and are fully implemented at the district level. It recommends that clear benchmarks and timetables be set and that implementation of the measures targeting rural women be effectively monitored. The Committee requests the State party to provide in its next report information on the measures undertaken to empower and improve the situation of rural women.**

162. The Committee is concerned that, with the consent of the parents, the legal age of marriage is 16 years. The Committee also notes with concern that a man who has sexual relations with a girl under the age of 16 can, with the consent of her parents, marry her without being prosecuted for carnal knowledge.

163. **The Committee calls upon the State party to raise the minimum age of marriage to 18 years, in accordance with article 16, paragraph 2, of the Convention, general recommendation 21 and the Convention on the Rights of the Child.**

164. The Committee notes with concern the large number of children, especially girl children, who do not have birth registration documents and who consequently cannot claim nationality and social benefits in the State party.

165. **The Committee calls upon the State party to expedite and facilitate the process of registration of children without documentation and issue them with birth certificates and identity documents.**

166. **The Committee encourages the State party to remove its declaration under article 10, paragraph 1, of the Optional Protocol to the Convention regarding the competence of the Committee under articles 8 and 9, and to accept, as soon as possible, the amendment to article 20, paragraph 1, of the Convention concerning the meeting time of the Committee.**

167. **The Committee urges the State party to utilize fully, in its implementation of its obligations under the Convention, the Beijing Declaration and Platform for Action, which reinforce the provisions of the Convention, and requests the State party to include information thereon in its next periodic report.**

168. **The Committee emphasizes that full and effective implementation of the Convention is indispensable for achieving the Millennium Development Goals. It calls for the integration of a gender perspective and for the explicit reflection of the provisions of the Convention in all efforts aimed at the achievement of the Goals, and requests the State party to include information thereon in its next periodic report.**

169. **The Committee notes that adherence by States to the seven major international human rights instruments**[1] **enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. Therefore, the Committee encourages the Government of Belize to consider ratifying the treaty to which it is not yet a party, namely the International Covenant on Economic, Social and Cultural Rights.**

170. **The Committee requests the wide dissemination in Belize of the present concluding comments in order to make the people, including Government officials, politicians, parliamentarians and women's and human rights organizations, aware of the steps that have been taken to ensure de jure and de facto equality of women and of the further steps that are required in that regard. The Committee requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Convention, its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".**

171. **The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report under article 18 of the Convention. The Committee invites the State party to submit**

its fifth periodic report, which was due in June 2007, and its sixth periodic report, due in June 2011, in a combined report in 2011.

Jordan

172. The Committee considered the combined third and fourth periodic report of Jordan (CEDAW/C/JOR/3-4) at its 805th and 806th meetings, on 2 August 2007 (see CEDAW/C/SR.805 (A) and 806 (A)). The Committee's list of issues and questions is contained in CEDAW/C/JOR/Q/4 and the responses of the Government of Jordan are contained in CEDAW/C/JOR/Q/4/Add.1.

Introduction

173. The Committee expresses its appreciation to the State party for its combined third and fourth periodic report, which was well structured and generally complied with the Committee's guidelines for the preparation of reports, although it lacked references to the Committee's general recommendations.

174. The Committee commends the State party for its high-level delegation, headed by the State Minister for Prime Ministry Affairs and including the Secretary-General of the Jordanian National Commission for Women, the national machinery for the advancement of women.

175. The Committee congratulates the State party for its introductory statement, its written replies to the list of issues and questions raised by the pre-session working group and for the frank and constructive dialogue held between the delegation and the members of the Committee, which provided further insight into the real situation of women in Jordan. In particular, the Committee commends the State party for its will to develop and initiate a number of proposals to amend laws and institute measures to end discrimination against women.

Positive aspects

176. The Committee commends the State party for publishing the Convention in the Official Gazette, which gives it the force of law in Jordan.

177. The Committee congratulates the State party on the establishment of a 20 per cent quota for women in the municipal councils, which has led to the election of 240 women to municipal councils, and on the appointment of the first female head of a court.

178. The Committee congratulates the State party on the achievement of parity between girls and boys in primary and secondary education.

Principal areas of concern and recommendations

179. **While recalling the obligation of the State party to implement all the provisions of the Convention systematically and continuously, the Committee views the concerns and recommendations identified in the present concluding comments as requiring the priority attention of the State party between now and the submission of its next periodic report. Consequently, the Committee calls upon the State party to focus on those areas in its implementation activities and to report on actions taken and results achieved in its next periodic report. It also calls upon the State party to submit the present**

concluding comments to all relevant ministries and to Parliament in order to ensure their full implementation.

180. The Committee is concerned that the State party has not taken adequate steps to implement the recommendations in respect of some concerns raised in the Committee's previous concluding comments, adopted in 2000 (A/55/38, part one, paras. 139-193). In particular, the Committee finds that its recommendations in paragraphs 169 (to encourage a constitutional amendment to incorporate equality on the basis of sex in article 6 of the Constitution), 171 (to undertake a review of all existing legislation to bring it fully into compliance with the Convention), 175 (to reconsider the law and policy on polygamy with a view to eliminating that practice), 181 (to initiate legislative action to permit safe abortion for victims of rape and incest) and 185 (to review legislation and policy in the employment sector to facilitate full implementation of article 11 of the Convention) have been insufficiently addressed.

181. **The Committee reiterates these concerns and recommendations and urges the State party to proceed without delay with their implementation.**

182. The Committee is concerned about the State party's reluctance to withdraw its reservations to articles 9, paragraph 2; 15, paragraph 4; and 16, paragraph 1 (c), (d) and (g). It is particularly concerned that the State party is unwilling to withdraw its reservation to article 15, paragraph 4, despite its assertion that this reservation has become redundant owing to an amendment to the Passport Act removing the requirement of male consent to the issuance of a passport to a Jordanian woman. The Committee is concerned about the State party's assertion that it cannot, for political reasons, amend its nationality law to allow Jordanian women to pass their nationality to their children and foreign spouses and, for religious reasons, amend provisions of its Personal Status Act to give women equal rights with men in matters of marriage, divorce and custody of children.

183. **The Committee calls upon the State party to speedily withdraw its reservation to article 15, paragraph 4, which it acknowledges has become redundant in the light of legal reform. It also urges the State party to recognize the negative impact of its nationality law on Jordanian women married to foreigners and on the children of those women and, accordingly, to revise its nationality law and remove its reservation to article 9, paragraph 2.**

184. **The Committee invites the State party to revise its Personal Status Act, in the light of comparative jurisprudence where more progressive interpretations of Islamic law have been codified in legislative reforms, to give women equal rights in marriage, divorce and custody of children and to withdraw its reservations to article 16, paragraph 1 (c), (d) and (g).**

185. While appreciating that the Convention has been recently published in the Official Gazette, which gives it the force of law, the Committee is concerned that the Convention has not been made fully operational in Jordan, as enabling legislation remains to be adopted. In particular, the Committee is concerned that national legislation does not provide sanctions for acts of discrimination based on sex or remedies for violations of the rights to equality and non-discrimination. The Committee is further concerned that the provisions of the Convention, including the general recommendations of the Committee, are not widely known in the country

and have not, so far, been utilized in bringing cases related to discrimination against women before the courts.

186. **The Committee encourages the State party to enact a comprehensive gender equality law that extends to both the public and private sectors and to political, economic, social, cultural, civil and any other fields, and includes a definition of discrimination against women in line with article 1 of the Convention; provisions on the equal rights of women with men in line with article 2 (a) of the Convention; and sanctions and remedies for acts of discrimination based on sex. The Committee calls on the State party to ensure that the Convention becomes an integral part of legal education. In this regard, it urges the State party to develop awareness-raising programmes and training on the provisions of the Convention for judges, lawyers and prosecutors, in particular with regard to the meaning and scope of direct and indirect discrimination and about formal and substantive equality, in order to establish firmly in the country a legal culture supportive of women's equality and non-discrimination. The Committee invites the State party to enhance women's awareness of their rights through ongoing legal literacy programmes and legal assistance. The Committee calls upon the State party to disseminate the Convention and its general recommendations widely among all stakeholders, including government ministries, parliamentarians, the judiciary, political parties, non-governmental organizations, the private sector and the general public.**

187. While noting that the State party is in the process of further strengthening its national machinery for the advancement of women, including by enhancing its capacity to coordinate promotion and implementation of policies pertaining to gender equality and the use of the gender-mainstreaming strategy, increasing the budget for the national machinery and giving it the capacity to receive complaints of discrimination against women, the Committee is concerned that it did not receive a clear picture of the legal framework, the status of the restructuring of the national machinery and the enhancement of its powers, in particular in the areas of decision-making and enforcement.

188. **The Committee calls on the State party to complete expeditiously the process of strengthening and restructuring its national machinery so that it can fully execute all its functions, and to provide in its next report, a clear and detailed picture of the national machinery, including its authority, functions, powers and resources.**

189. While appreciating the State party's efforts to review and propose amendments to discriminatory legislation, the Committee is concerned about the delay in the law reform process and notes that many amendments are still in the process of being drafted, that several bills that have been drafted have yet to be adopted, and that some proposed amendments have been rejected by Parliament. In particular, the Committee is concerned about the State party's statement that reform may be undertaken only gradually and in a piecemeal manner for political reasons.

190. **The Committee calls upon the State party to give high priority to its law reform process and to modify or repeal, without delay and within a clear time frame, discriminatory legislation, including discriminatory provisions in its Personal Status Act, Penal Code and Nationality Act. To this end, the Committee calls upon the State party to increase its efforts to sensitize the**

Parliament and public opinion regarding the importance of accelerating legal reform which, according to article 2 of the Convention, has to be undertaken without delay. It also encourages the State party to take all steps necessary to increase support for law reform, including through proactive outreach to Parliament, and partnerships and collaboration with religious and community leaders, lawyers, judges, civil society organizations and women's non-governmental organizations.

191. While noting that the Ministry of Education is gradually revising school textbooks to eliminate gender stereotypes and incorporate principles of human rights and women's rights and that the Ministry of Religious Affairs is developing a guide for preachers and imams emphasizing women's rights in Islam, the Committee continues to be deeply concerned about the persistence of patriarchal attitudes and deep-rooted cultural stereotypes regarding the roles and responsibilities of women and men in the family and society in Jordan, as already expressed in the previous concluding comments (A/55/38, part one, para. 165). These stereotypes present a significant impediment to the implementation of the Convention and are a root cause of the disadvantaged position of women in a number of areas, including in the labour market and in political and public life, and are also a root cause of violence against women.

192. **The Committee urges the State party to view culture as a dynamic aspect of the country's social fabric and life and therefore subject to change. It calls upon the State party to implement comprehensive measures to bring about change in the widely accepted stereotypical roles of men and women in order to create an enabling and supportive environment conducive to changing discriminatory laws, customs and practices and strengthening women's ability to enjoy all their human rights. Such measures should include awareness-raising and programmes in the formal and non-formal educational sector, addressing women and men, girls and boys, community and religious leaders and, in particular, members of Parliament, with a view to eliminating stereotypes associated with traditional gender roles in the family and in society, in accordance with articles 2 (f) and 5 (a) of the Convention. The Committee recommends that the State party closely monitor the impact of, and results achieved from, its efforts to promote change concerning the stereotypical expectations of women's roles in the family and society.**

193. While noting that a draft law on protection against domestic violence is being reviewed by the Council of Ministers and will soon be submitted to Parliament, the Committee continues to be concerned about the prevalence of violence against women, the absence of a specific law protecting women and the lack of prosecution and punishment of perpetrators of violence against women, including domestic violence. The Committee is concerned that social attitudes and, in particular, attitudes of law enforcement officials and the judiciary may deter women from reporting cases of violence against them.

194. **In accordance with its general recommendation 19, the Committee urges the State party to give high priority to putting in place comprehensive measures to address all forms of violence against women and girls, recognizing that violence against women is a form of discrimination against women and thus constitutes a violation of their human rights under the Convention. The Committee calls upon the State party to enact, as soon as possible, legislation on**

violence against women, including the draft law on protection against domestic violence, in order to ensure that violence against women constitutes a criminal offence, that women and girls who are victims of violence have access to immediate means of redress and protection and that perpetrators are prosecuted and punished. The Committee recommends that the State party implement educational and awareness-raising measures aimed at law enforcement officials, the judiciary, health-care providers, social workers, community leaders and the general public, in order to ensure that they understand that all forms of violence against women are unacceptable. It also invites the State party to make full use of the information contained in the Secretary-General's in-depth study on all forms of violence against women (A/61/122 and Add.1 and Add.1/Corr.1).

195. While noting that article 340 of the Penal Code has been revised so that it no longer exonerates perpetrators of crimes committed in the name of honour, or "honour" crimes, the Committee is concerned that perpetrators of such crimes get lenient sentences under the amended article 340 (which reduces penalties for murders that are viewed as "honour" crimes), article 98 (which reduces penalties for murders committed in a fit of fury) and article 99 (which halves a perpetrator's sentence when he is excused by the victim's family), and that "honour" crimes continue to be treated differently from other violent crimes in terms of investigation and prosecution, as well as prevention efforts. The Committee is also concerned that rapists may be exempt from punishment by marrying their victims. It is further concerned that virginity tests, which perpetuate stereotypes, may be carried out without the full and free consent of women and the results of such tests may be used to their detriment.

196. **The Committee calls upon the State party to amend, without delay, applicable provisions of the Penal Code to ensure that perpetrators of "honour" crimes do not benefit from a reduction of penalty under article 340; that perpetrators of premeditated "honour" crimes do not benefit from a reduction of penalty under article 98; and that article 99 is not applicable to "honour" crimes or other cases where the victim is related to the perpetrator. The Committee also urges the State party to ensure that "honour" crimes are treated as seriously as other violent crimes in regard to investigation and prosecution, and that effective prevention efforts are put in place. It further calls upon the State party to ensure that a rapist does not escape punishment by marrying his victim. It recommends that the State party eliminate the use of virginity tests or ensure that such tests are carried out only with the full and free consent of the woman and the results are not used to her detriment.**

197. While appreciating the establishment of the Family Reconciliation Centre as a refuge for women fleeing abusive situations and noting the preparation of a draft law to give non-governmental organizations licences to establish and run shelters, the Committee is concerned about the lack of shelters and other services for victims of violence against women. The Committee is also concerned that the Family Reconciliation Centre may promote reconciliation over the protection and safety of women. The Committee is further concerned that the practice of placing abused women and women at risk in protective custody and depriving them of their liberty continues, despite the Committee's previous recommendation (A/55/38, part one, para. 179) and despite the establishment of the Family Reconciliation Centre.

198. **The Committee recommends the establishment of a sufficient number of accessible shelters and crisis centres for female victims of violence in both urban and rural areas. The Committee calls upon the State party to ensure that if a victimized woman agrees to reconcile with the perpetrator, counselling services are provided to the perpetrator and the situation monitored to prevent further abuse. The Committee urges the State party to replace the practice of protective custody with other measures that ensure the protection of women without jeopardizing their liberty, and to accordingly transfer all women currently held in protective custody to the Family Reconciliation Centre or other safe shelters.**

199. While appreciating the recent election of 240 women to municipal councils following the adoption of a 20 per cent quota for women in municipal councils and noting the quota of 6 seats for women out of 110 seats in the lower house of Parliament and the appointment of 7 women to the upper house of Parliament, the Committee is concerned about the low level of representation of women in public and political life and in decision-making positions.

200. **The Committee encourages the State party to take sustained measures, including temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendations 23 and 25, and to establish concrete goals and time frames in order to accelerate the increase in the representation of women in elected and appointed bodies in all areas and at all levels of public life. In this regard, the Committee urges the State party to consider amending the Elections Act before the parliamentary elections scheduled for November 2007 in order to institute a significantly higher quota for women, as recommended by the Jordanian National Commission for Women. The Committee invites the State party to also encourage political parties to use quotas or numerical goals in order to accelerate women's equal representation. It recommends that the State party conduct training programmes on leadership and negotiation skills for current and future women leaders. It calls upon the State party to undertake awareness-raising, including for all members of Parliament, about the importance of women's participation in decision-making for society as a whole.**

201. While welcoming the achievement of parity in education for girls and boys in primary and secondary schools, the Committee is concerned about the low numbers of women university professors. It is also concerned about the limited extent of human rights education at all levels and lack of attention to the human rights of women and achievement of gender equality in such education.

202. **The Committee encourages the State party to strengthen its efforts to increase the number of women university professors in all fields, including through the use of temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25. It also invites the State party to enhance its human rights education in curricula at all educational levels and to ensure that such education places priority on the promotion of gender equality and women's human rights.**

203. The Committee is concerned that the Labour Code does not prohibit discrimination against women or sexual harassment and that female employees are not entitled to the same benefits on the same terms as male employees. The Committee is further concerned about the State party's assertion that it is unable to

regulate the conduct of private employers. The Committee is also concerned about limited availability of day-care facilities, thus further limiting women's ability to join the labour force.

204. **The Committee recommends that the State party amend its Labour Code to prohibit discrimination against women as well as sexual harassment in both public and private sector employment and include mechanisms for redress of complaints of discrimination and sexual harassment. It calls upon the State party to ensure that there is no discrimination in terms of employment-related benefits and that female employees receive all the same benefits on the same terms as male employees. It further recommends that the State party monitor adherence to the amended Labour Code by employers in both sectors to ensure compliance with such provisions. The Committee urges the State party to take all measures necessary to eliminate discrimination against women in the private sector, in accordance with article 2 (e) of the Convention. It also calls upon the State party to establish adequate and sufficient day-care centres in order to facilitate women's entry into the labour force.**

205. While noting that amendments to the Labour Code to ensure coverage for workers in the informal sector are being drafted, the Committee is concerned that the Labour Code currently does not cover workers in the informal sector, especially domestic workers, including migrants, who are predominantly female. The Committee is also concerned that compliance with current regulations related to the employment of domestic workers, including migrants, is not monitored and such regulations are not adequately enforced.

206. **The Committee calls upon the State party to speed up the law reform effort to ensure that the employment of domestic workers, including migrants, is covered by the Labour Code. It also urges the State party to monitor and effectively enforce regulations relating to the employment of domestic workers, including migrants, for their benefit.**

207. The Committee is concerned that despite an amendment to the Personal Status Act that increases the minimum age of marriage for both boys and girls to 18 years, marriage of a girl over 15 years can be conducted if a judge finds such marriage to be in her interest. The Committee is further concerned that a very high percentage (approximately 15 per cent) of all marriages continue to be of girls under the age of 18 years with adverse impact on their health, education and employment.

208. **The Committee urges the State party to eliminate the provision in article 5 of the Personal Status Act that allows marriage of a person under 18 years and to enforce the 18-years minimum age of marriage for both women and men, in line with article 16, paragraph 2, of the Convention, the Committee's general recommendation 21 and the Convention on the Rights of the Child.**

209. While noting the State party's emphasis on working in partnership with non-governmental organizations, the Committee is concerned that the newly adopted regulations on non-profit organizations and the draft law on non-governmental organizations being considered may hinder the operation and activities of non-governmental organizations, especially women's non-governmental organizations whose work has been beneficial to Jordanian women.

210. **The Committee recommends that the State party ensure that civil society organizations and women's non-governmental organizations are not restricted**

with respect to their establishment and operations and that they are able to function independently of the Government. In particular, the Committee urges the State party to provide an enabling environment for the establishment and active involvement of women's and human rights organizations in promoting the implementation of the Convention.

211. The Committee is concerned that the report did not provide sufficient statistical data on the situation of women in all areas covered by the Convention or data disaggregated by other factors such as age and rural and urban areas. The Committee is also concerned about the lack of information on the impact of measures taken and of results achieved in various areas of the Convention.

212. **The Committee calls upon the State party to include in its next report statistical data and analysis on the situation of women, disaggregated by sex, age and by rural and urban areas, indicating the impact of measures taken and the results achieved in the practical realization of women's substantive equality.**

213. **The Committee encourages the State party to ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.**

214. **The Committee requests the State party to ensure the wide participation of all ministries and public bodies in, and to consult with non-governmental organizations during, the preparation of its next report. It encourages the State party to involve Parliament in a discussion of the report before its submission to the Committee.**

215. **The Committee urges the State party to utilize fully in its implementation of the obligations under the Convention, the Beijing Declaration and Platform for Action, which reinforce the provisions of the Convention, and requests the State party to include information thereon in its next periodic report.**

216. **The Committee also emphasizes that full and effective implementation of the Convention is indispensable for achieving the Millennium Development Goals. It calls for the integration of a gender perspective and the explicit reflection of the provisions of the Convention in all efforts aimed at the achievement of the Millennium Development Goals and requests the State party to include information thereon in its next periodic report.**

217. The Committee notes that States' adherence to the seven major international human rights instruments[1] enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. Therefore, the Committee encourages the Government of Jordan to consider ratifying the treaty to which it is not yet a party, namely, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

218. **The Committee requests the wide dissemination in Jordan of the present concluding comments in order to make the people of Jordan, including government officials, politicians, parliamentarians, the judiciary and women's and human rights organizations, aware of the steps that have been taken to ensure de jure and de facto equality of women, as well as the further steps that are required in that regard. The Committee requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Convention, the Optional Protocol thereto, the Committee's**

general recommendations, the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".

219. **The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report under article 18 of the Convention, which is due in July 2009.**

5. Fourth periodic report

Estonia

220. The Committee considered the fourth periodic report of Estonia (CEDAW/C/EST/4) at its 793rd and 794th meetings, on 24 July 2007 (see CEDAW/C/SR.793 (B) and 794 (B)). The Committee's list of issues and questions is contained in CEDAW/C/EST/Q/4, and Estonia's responses are contained in CEDAW/C/EST/Q/4/Add.1.

Introduction

221. The Committee expresses its appreciation to the State party for its fourth periodic report, which follows the Committee's guidelines for the preparation of reports and has taken into account the Committee's previous concluding comments. The Committee commends the State party for the written replies to the list of issues and questions raised by the pre-session working group, for the oral presentation and additional written information, which elaborated on the recent developments in the implementation of the Convention in Estonia, and for the responses to the questions posed orally by the Committee.

222. The Committee commends the State party for its delegation, headed by the Ambassador, Ministry of Foreign Affairs, and which included the Head of the Gender Equality Department, Ministry of Social Affairs, and other representatives of the Gender Equality Department; the Head of the Human Rights Division, Legal Department, Ministry of Foreign Affairs; and a member of Parliament. The Committee appreciates the open and constructive dialogue that took place between the delegation and the members of the Committee.

Positive aspects

223. The Committee commends the State party on the range of initiatives aimed at eliminating discrimination against women and promoting gender equality. In particular, it welcomes the entry into force of the Gender Equality Act on 1 May 2004, the purpose of which is to ensure equal treatment of women and men and promote gender equality, and which allows for the application of temporary special measures to promote gender equality. It also welcomes the establishment of the Gender Equality Commissioner to monitor compliance with the requirements of the Gender Equality Act, accept applications from persons and provide opinions concerning possible cases of discrimination, and perform other functions.

224. The Committee welcomes the measures carried out by the State party to combat trafficking in women and girls, including the adoption in 2006 of the Development Plan against Trafficking in Human Beings for 2006-2009, the amendment to the Aliens Act in February 2007 providing for the possibility of

granting a temporary residence permit to victims of trafficking, and the ratification in May 2004 of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

225. The Committee welcomes the statement by the delegation that there are no obstacles hindering the State party's ratification in the near future of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.

Principal areas of concern and recommendations

226. **While recalling the State party's obligation to implement systematically and continuously all the provisions of the Convention, the Committee views the concerns and recommendations identified in the present concluding comments as requiring the State party's priority attention between now and the submission of the next periodic report. Consequently, the Committee calls upon the State party to focus on those areas in its implementation activities and to report on action taken and results achieved in its next periodic report. It calls on the State party to submit the present concluding comments to all relevant ministries and to Parliament so as to ensure their full implementation.**

227. While noting that the Convention is directly applicable and takes precedence over conflicting national legislation, the Committee is concerned that the Convention's provisions and its concept of substantive gender equality, as well as the general recommendations of the Committee, are not sufficiently known and applied by the State party as a framework for all laws and policies on gender equality and the advancement of women. The Committee is similarly concerned that the Convention's provisions and the Committee's general recommendations are not sufficiently known by judges, lawyers, prosecutors and women themselves, as indicated by the absence of any court decisions that refer to the Convention. The Committee is also concerned about the under-utilization by women of remedies for violations of their rights, including judicial procedures and recourse to the Chancellor of Justice.

228. **The Committee calls on the State party to take additional measures to ensure that the Convention is sufficiently known and applied by the State party as a framework for all laws and policies on gender equality and the advancement of women. The Committee also calls on the State party to take additional measures to disseminate information about the Convention and the Committee's general recommendations, as well as to implement training programmes for prosecutors, judges and lawyers on the Convention and its application. It recommends that sustained awareness-raising and legal literacy campaigns targeting women, including rural women and non-governmental organizations working on women's issues, be undertaken to encourage and empower women to avail themselves of available procedures and remedies for violations of their rights.**

229. While noting the entry into force of the Gender Equality Act, the Committee is concerned that insufficient measures have been put in place to ensure its speedy and effective implementation. The Committee is in particular concerned that the State party continues to lack a comprehensive, consistent and sustainable approach to policies and programmes aimed at achieving women's equality with men. The

Committee is concerned about the delay in the establishment of the Gender Equality Council, which is to be created under the Gender Equality Act as an advisory body to the Government on matters relating to the promotion of gender equality. The Committee is concerned that the Gender Equality Commissioner may be given a mandate in other areas of discrimination and that she/he is lacking sufficient financial and human resources to carry out her/his responsibilities effectively under the Gender Equality Act.

230. **The Committee requests the State party to provide, in its next report, information on the actions taken to ensure the implementation of all aspects of the Gender Equality Act, as well as an assessment of the Act's impact on enhancing the implementation of the provisions of the Convention. The Committee recommends that the State party ensure a comprehensive, consistent and sustainable approach to the implementation of the Convention, encompassing all policies and programmes devoted to achieving equality between women and men. Such efforts should result in overcoming direct as well as indirect discrimination and in realizing women's substantive equality, in accordance with articles 1 and 2 of the Convention. The Committee also recommends that the State party include specific time frames for the implementation of all policies and programmes aimed at achieving equality between women and men. It urges the State party to ensure that institutional mechanisms, including the Gender Equality Council, foreseen under the Gender Equality Act be established, have the necessary human and financial resources for their effective functioning, and that their mandates remain focused on gender equality.**

231. The Committee continues to be concerned about the persistence of patriarchal attitudes and deep-rooted stereotypes regarding the roles and responsibilities of women and men in the family and in society in Estonia, which are reflected in women's educational choices, their situation in the labour market and their underrepresentation in political and public life and decision-making positions. While noting the regulation approved by the Minister of Education in October 2005 requiring the removal of stereotypes from school textbooks and teaching materials, the Committee is concerned that such a revision of educational textbooks and materials has yet to be undertaken. The Committee is concerned about the low number of women professors among academic staff.

232. **The Committee encourages the State party to strengthen its efforts and take proactive measures to eliminate gender stereotyping. It recommends that awareness-raising campaigns be addressed to both women and men and that the media be encouraged to project positive images of women and the equal status and responsibilities of women and men in the private and public spheres. The Committee requests the State party to enhance the training of teaching staff in regard to gender equality issues and to speedily complete the revision of educational textbooks and materials to eliminate gender stereotypes. The Committee urges the State party to disseminate knowledge about the Convention and gender equality through the educational system with a view to changing existing stereotypical views on and attitudes towards women's and men's roles. The Committee calls on the State party to further encourage diversification of the educational choices of boys and girls. It also urges the State party to develop and implement programmes aimed at counselling women and girls on educational choices, bearing in mind their subsequent**

opportunities and chances in the labour market. The Committee urges the State party to adopt policies to increase the number of women professors among academic staff.

233. The Committee is concerned that the national machinery for the advancement of women, i.e., the Gender Equality Department in the Ministry of Social Affairs, may lack sufficient authority, decision-making power and financial and human resources to coordinate effectively the Government's work to promote gender equality and the full implementation of the Convention, including coordination and cooperation with all other gender equality and human rights mechanisms at the national and local levels. The Committee notes that, beginning in June 2007, the coordination of family policies has been added to the responsibilities of the Department.

234. **The Committee recommends that the State party ensure that the national machinery for the advancement of women has the authority, decision-making power and human and financial resources that are necessary to work effectively for the promotion of gender equality and women's enjoyment of their human rights. This should include capacity for effective coordination and cooperation among the various gender equality and human rights mechanisms and with civil society.**

235. While noting the preparation of a national action plan on domestic violence which is expected to be operational from 2008, the Committee continues to be concerned about the prevalence of violence against women in Estonia, including domestic violence. The Committee also continues to be concerned about the lack of a specific law on domestic violence against women which provides for protection and exclusion orders and access to legal aid.

236. **The Committee urges the State party to speedily adopt and implement the draft national action plan on domestic violence, make it widely known to public officials and society at large, and monitor its effectiveness. The Committee calls upon the State party to ensure that all women who are victims of domestic violence, including rural women, have access to immediate means of redress and protection, including protection orders and access to a sufficient number of safe and adequately funded shelters and to legal aid. The Committee reiterates its recommendation that the State party elaborate a specific law on domestic violence against women which provides for such redress and protection. It urges the State party to work towards a comprehensive approach to preventing and addressing all forms of violence against women, including a legislative framework, and to improve its research and data collection on the prevalence, causes and consequences of violence against women. The State party should include in such data collection the relationship between the perpetrator and the victim.**

237. While appreciating the measures taken to combat human trafficking, including the adoption in 2006 of the Development Plan against Trafficking in Human Beings for 2006-2009, the amendment to the Aliens Act in February 2007 providing for the possibility of granting a temporary residence permit to victims of trafficking, and the ratification in May 2004 of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, the Committee remains concerned about the persistence of trafficking in women and girls in Estonia.

238. **The Committee calls upon the State party to ensure the effective implementation of all measures taken to combat human trafficking. The Committee urges the State party to collect and analyse data from the police and international sources, prosecute and punish traffickers, and ensure the protection of the human rights of trafficked women and girls. It also recommends that the State party address the root cause of trafficking by increasing its efforts to improve the economic situation of women, thereby eliminating their vulnerability to exploitation and traffickers, and take measures for the rehabilitation and social integration of women and girls who are victims of trafficking. The Committee requests the State party to provide, in its next report, comprehensive information and data on trafficking in women and girls, on the exploitation of prostitution and on the measures taken to prevent and combat such activities.**

239. While noting some progress in the representation of women in Parliament, local government councils and high-level government positions, the Committee is concerned about the continuing underrepresentation of women in public and political life and in decision-making positions, including in Parliament, government ministries and local government.

240. **The Committee encourages the State party to take sustained measures, including temporary special measures, in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendations 25 and 23, and as provided for in the Gender Equality Act, to accelerate women's full and equal participation in elected and appointed bodies. Such measures should include the establishment of benchmarks, numerical goals and timetables, as well as training programmes on leadership and negotiation skills for current and future women leaders. It further urges the State party to undertake awareness-raising campaigns about the importance of women's participation in public and political life and at decision-making levels.**

241. While noting that under the Gender Equality Act employers are under an obligation to promote gender equality, the Committee continues to be concerned about the occupational segregation between women and men in the labour market and the significant gap in their wages. While noting the statement by the delegation that the unemployment rate of women has decreased, the Committee is concerned about the lack of data on women's participation in the labour force and in the informal sector in urban and rural areas.

242. **The Committee recommends that efforts be strengthened to eliminate occupational segregation, both horizontal and vertical, and to adopt measures to decrease and narrow the wage gap between women and men by applying job evaluation schemes in the public sector connected with wage increases in sectors dominated by women. It also recommends that efforts be strengthened to ensure women's access to vocational training. The Committee urges the State party to ensure the effective implementation of the Wages Act, including provisions on equal pay for work of equal value. The Committee requests the State party to provide in its next report detailed information, including statistical data indicating trends over time, about the situation of women in the fields of employment and work in urban and rural areas and in the public, private, formal and informal sectors and about the impact of measures taken to realize equal opportunities for women.**

243. The Committee is concerned about the limited availability of specific information and data, including trends, about different aspects of women's health. It is concerned that, while the abortion rate has decreased, it remains relatively high. It is also concerned about the increase in HIV-positive women in Estonia.

244. **Drawing attention to its general recommendation 24 on women and health, the Committee reiterates its recommendation that comprehensive research be conducted into the specific health needs of women. It urges the State party to take concrete measures to enhance and monitor access to health-care services for women, including in rural areas. It requests the State party to strengthen measures aimed at the prevention of unwanted pregnancies, including by making a comprehensive range of contraceptives more widely available and without any restriction and by increasing knowledge and awareness about family planning. The Committee requests the State party to include in its next report further information on women's health, disaggregated by age, ethnicity and urban and rural areas, and on the impact of measures it has taken to improve women's health, as well as information on women's access to health-care services, including family planning. The Committee recommends that the State party step up its efforts to prevent and combat HIV/AIDS and improve the dissemination of information about the risks and ways of transmission. It recommends that the State party include a gender perspective in all its policies and programmes on HIV/AIDS. It calls on the State party to ensure the effective implementation of its HIV/AIDS strategies and to provide detailed and statistical information about women and HIV/AIDS in its next report.**

245. The Committee remains concerned about the lack of information on the situation of rural women, including their access to adequate health-care services, education, credit, social security and other facilities, and their participation in decision-making.

246. **The Committee requests the State party to provide, in its next report, a comprehensive picture of the de facto situation of rural women in all areas covered by the Convention.**

247. While noting the decrease in the number of stateless persons in Estonia, the Committee is concerned that there are still many stateless persons, including women, in the country.

248. **The Committee recommends that the State party strengthen its efforts to ensure that stateless women in Estonia are given full rights to citizenship.**

249. The Committee is concerned that a minor between 15 and 18 years of age may legally marry. The Committee is concerned about the lack of information on the impact on women of the proposed new Family Law Act, which changes the marital property regime. The Committee is further concerned about the lack of legal protection of the rights of cohabitating women.

250. **The Committee urges the State party to raise the legal age of marriage for women and men to 18 years, in line with article 16, paragraph 2, of the Convention on the Elimination of All Forms of Discrimination against Women, the Committee's general recommendation 21 and the Convention on the Rights of the Child. The Committee recommends that the State party undertake a gender impact analysis of the proposed new Family Law Act and include the**

results of such analysis, including measures taken in response, in its next report. The Committee further recommends that the State party ensure the same protection of women's rights in marriage and in situations of cohabitation.

251. **The Committee encourages the State party to ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women and to accept, as soon as possible, the amendment to article 20, paragraph 1, of the Convention concerning the meeting time of the Committee.**

252. **The Committee urges the State party to utilize fully in the implementation of its obligations under the Convention, the Beijing Declaration and Platform for Action, which reinforce the provisions of the Convention, and requests the State party to include information thereon in its next periodic report.**

253. **The Committee also emphasizes that full and effective implementation of the Convention is indispensable for achieving the Millennium Development Goals. It calls for the integration of a gender perspective and the explicit reflection of the provisions of the Convention in all efforts aimed at the achievement of the Millennium Development Goals and requests the State party to include information thereon in its next periodic report.**

254. **The Committee notes that States' adherence to the seven major international human rights instruments[1] enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. Therefore, the Committee encourages the Government of Estonia to consider ratifying the treaty to which it is not yet a party, namely, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.**

255. **The Committee requests the wide dissemination in Estonia of the present concluding comments in order to make the people, including government officials, politicians, parliamentarians and women's and human rights organizations, aware of the steps that have been taken to ensure the de jure and de facto equality of women, as well as the further steps that are required in that regard. The Committee requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Convention, its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".**

256. **The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report under article 18 of the Convention. The Committee invites the State party to submit its fifth periodic report, which is due in November 2008, and its sixth periodic report, which is due in November 2012, in a combined report in 2012.**

6. Combined fourth and fifth periodic report

Indonesia

257. The Committee considered the combined fourth and fifth periodic report of Indonesia (CEDAW/C/IDN/4-5) at its 799th and 800th meetings, on 27 July 2007

(see CEDAW/C/SR.799 (A) and 800 (A)). The Committee's list of issues and questions is contained in CEDAW/C/IDN/Q/5, and the responses of the Government of Indonesia are contained in CEDAW/C/IDN/Q/5/Add.1.

Introduction

258. The Committee expresses its appreciation to the State party for the combined fourth and fifth periodic report, which, although overdue, followed the Committee's guidelines for the preparation of reports. The Committee notes that the report was candid and informative and described the obstacles impeding the full realization of equality between women and men. The Committee commends the State party for the written replies to the list of issues and questions raised by the pre-session working group, for the oral presentation and expression of the Government's commitment to address the challenges facing women in Indonesia and for the responses to the questions orally posed by the Committee.

259. The Committee congratulates the State party on its high-level delegation, headed by the State Minister for Women Empowerment, which also included representatives from a wide range of ministries and agencies and members of civil society organizations. The Committee expresses its appreciation for the constructive dialogue held between the delegation and the members of the Committee, while noting that not all of the Committee's questions were answered.

Positive aspects

260. The Committee congratulates the State party for the progress it has made towards achieving equality for women since the consideration of its last report. In particular, the Committee commends the State party for adopting new laws that aim at eliminating discrimination against women and promoting gender equality in compliance with the State party's obligations under the Convention. These laws include the Law on Anti-Trafficking of 2007, the Victim Protection Law of 2006 and the Law on Domestic Violence of 2004. The Committee also welcomes Law No. 39 of 1999 on human rights and the amendments to the 1945 Constitution that recognize that women's rights are human rights.

261. The Committee commends the State party for its expressed commitment to a policy of gender mainstreaming at all levels, including the establishment of the gender mainstreaming mechanism and obligations resulting from Presidential Instruction No. 9 on Gender Mainstreaming in National Development. It expresses its appreciation for the adoption of two national objectives to promote gender equality and justice in the five-year national development programme 2000-2004 and the inclusion of gender mainstreaming as one of the strategies in the 2004-2009 midterm national development plan.

262. The Committee notes that the State party signed the Optional Protocol to the Convention in February 2000 and encourages the State party to fulfil its expressed intention to ratify the Optional Protocol.

Principal areas of concern and recommendations

263. **While recalling the State party's obligation to systematically and continuously implement all the provisions of the Convention, the Committee views the concerns and recommendations identified in the present concluding**

comments as requiring the priority attention of the State party between now and the submission of its next periodic report. Consequently, the Committee calls upon the State party to focus on those areas in its implementation activities and to report on actions taken and results achieved in its next periodic report. It also calls upon the State party to submit the present concluding comments to all relevant ministries and to the Parliament in order to ensure their full implementation.

264. While appreciating the efforts of the State party to enhance its legislative and constitutional protections for women's human rights and noting that the Convention was ratified through Law No. 7 of 1984, the Committee is concerned that the Convention has not been fully and systematically incorporated throughout Indonesian law. In particular, the Committee is concerned that there is no clear definition of discrimination modelled on article 1 of the Convention in the Indonesian Constitution or legislation. The Committee also regrets that the State party did not clarify whether the Convention takes precedence in situations where there is a conflict between the Convention and domestic laws, nor did it describe the mechanisms available to women in Indonesia to invoke the provisions of the Convention. The Committee is also concerned that the provisions and obligations of the Convention are not widely known by lawmakers, judges, lawyers and prosecutors or by Indonesian women themselves.

265. **The Committee calls upon the State party to take immediate steps to ensure that the provisions, principles and concepts of the Convention are fully applicable and utilized in domestic law. It further encourages the State party to incorporate a definition of discrimination into its Constitution or national legislation that conforms with article 1 of the Convention. It recommends that the State party ensure that effective mechanisms and remedies are available to women whose human rights, as provided for in the Convention, have been violated. The Committee calls on the State party to ensure that the Convention and related domestic legislation are made an integral part of legal education and the training of judicial officers, including judges, lawyers and prosecutors, and are well known to lawmakers in order to firmly establish a legal culture supportive of women's equality and non-discrimination in the country.**

266. The Committee welcomes the Government's efforts to identify gender-biased laws and to initiate revisions to those laws, including the amendments passed to the Law on Population. The Committee is concerned, however, that revisions have not been undertaken on all of the 21 laws that the Government has identified as discriminatory, and that some of the amendments, while demonstrating progress towards equality, are still discriminatory towards women. The Committee also expresses concern about whether the new draft law on gender equality will fully conform with and implement the State party's obligations under the Convention.

267. **The Committee urges the State party to give high priority to its law reform process and to amend, without delay and within a clear time frame, discriminatory laws and regulations and bring them in line with the Convention. It calls upon the State party to increase its efforts to sensitize Government officials, the National Assembly and public opinion regarding the importance of legal reform to achieve women's de jure equality. The Committee encourages the State party to enact and implement comprehensive laws on equality between women and men in line with its obligations under the**

Convention and urges the State party to take steps to ensure that the draft law on gender equality currently under consideration fully complies with the State party's obligations under the Convention, including its provisions regarding substantive equality.

268. While appreciating the State party's efforts to promote empowerment, flexibility and autonomy at the local government level and to increase the contributions of regional governments to the democratization of the country, the Committee is concerned that the process of decentralization has resulted in the uneven recognition and enforcement of women's human rights and discrimination against women in some regions, including Aceh. The Committee is also concerned about the rise of religious fundamentalist groups advocating restrictive interpretations of sharia law, which discriminate against women, in several regions of the country. The Committee is also concerned about information it has received that the Government has rescinded a number of local laws and regulations pertaining to economic matters such as taxes, but has failed to rescind local laws that discriminate against women on the basis of religion, including laws regulating dress codes, which are disproportionately enforced against women.

269. **The Committee urges the State party to review, monitor and evaluate the implementation of local and regional laws to ensure that they fully comply with national human rights laws and the obligations of the State party under the Convention, so that women's rights are fully protected throughout the country. The Committee recommends that such measures should include, inter alia, the provision of guidelines to local authorities on the drafting of local laws and the rescinding of laws discriminating against women. The Committee encourages the State party to obtain information on comparative legislation and jurisprudence in which more progressive interpretations of Islamic law have been codified and applied. It also urges the State party to take all necessary steps to increase support for law reform, including through partnerships and collaboration with Islamic jurisprudence research organizations, civil society organizations, women's non-governmental organizations and community leaders, that is supportive of women's equality.**

270. While welcoming the efforts of the Ministry of Women Empowerment in coordinating, supporting, monitoring and advocating for women's equality and gender mainstreaming at all levels of government, the Committee expresses concern that the Ministry may not have sufficient visibility, decision-making power or human and financial resources to effectively promote the advancement of women and gender equality across all branches and sectors of Government and at the national and local levels.

271. **The Committee recommends that the State party strengthen the national machinery, especially the Ministry of Women Empowerment, by providing it with the necessary authority and adequate human and financial resources in order to enhance its effectiveness in carrying out its mandate at all levels. It further encourages the State party to broaden the mandate and authority of the Ministry of Women Empowerment so that it may take a more active planning and programmatic role. It also urges the State party to undertake concrete measures to ensure that the gender equality mechanisms at all levels are fully funded to implement their mandates.**

272. The Committee is concerned about the persistence of entrenched patriarchal attitudes and stereotypes about the roles and responsibilities of women and men in the family and society that discriminate against women. Such stereotypes and attitudes constitute serious obstacles to women's enjoyment of their human rights and the implementation of the Convention and are the root cause of the disadvantaged position of women in a number of areas, including in the labour market and in political and public life. In particular, the Committee is also concerned about requirements that a woman obtain her family's consent before engaging in night work. The Committee is further concerned about the requirement that a woman obtain her husband's consent regarding sterilization and abortion, even when her life is in danger.

273. **The Committee encourages the State party to design and implement comprehensive awareness-raising programmes to foster a better understanding of and support for equality between women and men at all levels of society, in accordance with articles 2 (f) and 5 (a) of the Convention. Such efforts should aim at changing stereotypical attitudes and traditional norms about the responsibilities and roles of women and men in the family and society and at strengthening societal support for gender equality. The Committee further urges the State party to remove family and spousal consent requirements in the areas of women's employment and health.**

274. The Committee is concerned about the discriminatory provisions in the Marriage Act of 1974, which perpetuate stereotypes by providing that men are the heads of households and women are relegated to domestic roles, allow polygamy and set a legal minimum age of marriage of 16 for girls. The Committee is also concerned about the lack of progress in the law reform process with respect to marriage and family law, which allows the persistence of discriminatory provisions that deny women equal rights with men. In particular, it expresses concern that amendments to the Marriage Act of 1974 have not yet been completed, although the Committee expressed concerns about the discriminatory provisions in this Act in its previous concluding comments.

275. **The Committee requests the State party to take immediate steps to revise the Marriage Act of 1974 in accordance with its obligations under the Convention and with the Committee's general recommendation 21, the Convention on the Rights of the Child and the State party's expressed intention to amend the law without delay. It further urges the State party to put in place an effective strategy with clear priorities and timetables to eliminate discrimination against women in the areas of marriage and family relations.**

276. The Committee is concerned about the incidence of the practice of female genital mutilation in Indonesia, which constitutes a form of violence against women and girls and is in violation of the Convention. It is further concerned about the reported phenomenon of the medicalization of the practice of female genital mutilation. The Committee is also concerned that there is no law prohibiting or penalizing the practice of female genital mutilation in Indonesia.

277. **The Committee urges the State party to speedily enact legislation prohibiting female genital mutilation and to ensure that offenders are prosecuted and adequately punished. It also recommends that the State party develop a plan of action and undertake efforts to eliminate the practice of female genital mutilation, including implementing public awareness-raising**

campaigns to change the cultural perceptions connected with female genital mutilation, and provide education regarding the practice as a violation of the human rights of women and girls that has no basis in religion.

278. While welcoming the enactment of the Law on Domestic Violence, which includes domestic workers within its scope, the Committee is concerned about the abuse and exploitation of women employed as domestic workers in Indonesia. The Committee expresses concern that the Law on Domestic Violence has not been fully implemented with respect to domestic workers and that they lack information on the law and the ability to access its legal protections. The Committee is further concerned that domestic workers are not included in the provisions of the Manpower Act, which regulates work hours, leave and minimum wages, and are therefore additionally vulnerable to exploitation.

279. **The Committee recommends that the State party enact comprehensive laws and establish procedures to monitor and safeguard the rights of women domestic workers and adequately prosecute and punish abusive employers. The Committee calls upon the State party to provide domestic workers with viable avenues of redress against abuse by employers. The Committee further urges the State party to undertake efforts to ensure that domestic workers are aware of their rights and legal protections and have access to legal aid. It requests the State party to include information on the steps and measures taken, and on their impact, and data on the prevalence of violence against women domestic workers in its next periodic report.**

280. While the Committee notes with appreciation the enactment of the Law on Anti-Trafficking in 2007 and the development of a National Plan of Action on the Elimination of Trafficking in Women, the Committee is concerned about the persistence of trafficking of Indonesian women and girls, both domestic and cross-border trafficking. The Committee is also concerned about the low rates of prosecution and conviction of traffickers and those who exploit the prostitution of women.

281. **The Committee calls upon the State party to ensure that legislation on trafficking is fully enforced and that the national action plan and other measures to combat human trafficking are fully implemented. It urges the State party to intensify its efforts to combat the trafficking and sexual exploitation of women and girls by addressing the root causes, in particular women's economic insecurity. It recommends that the State party enhance measures aimed at improving the social and economic situation of women and at providing them with alternative means of obtaining a livelihood, so as to eliminate their vulnerability to traffickers, and to put in place services for the rehabilitation and reintegration of victims of trafficking. The Committee also encourages the State party to intensify international, regional and bilateral cooperation with countries of transit and destination for trafficked women and girls to further curb this phenomenon. It requests the State party to provide in its next report detailed information, including statistical data, on trends in trafficking and on court cases, prosecutions and victims assisted, as well as the results achieved in prevention.**

282. While the Committee welcomes the enactment of Law No. 12 of 2003 on General Elections, which established a 30 per cent quota for women candidates for political parties in the legislature, the Committee is concerned that the law fails to

include sanctions or enforcement mechanisms to ensure compliance with the quota. The Committee is deeply concerned about the lack of progress in increasing women's participation in political parties since the enactment of the Law. The Committee expresses concern about the low level of representation of women in public and political life and in decision-making positions in Indonesia, including in the foreign service, the judiciary, regional and local government and the educational and private sectors.

283. **The Committee urges the State party to strengthen the 30 per cent quota system for women candidates in the Law on General Elections by making this quota a mandatory requirement and imposing sanctions and enforcement mechanisms to ensure that it is followed. It also encourages the State party to implement and strengthen the application of temporary special measures, in accordance with article 4, paragraph 1, of the Convention and with the Committee's general recommendations 23 and 25, in order to accelerate women's full and equal participation with men in all sectors and at all levels of decision-making in public, political and economic life, including in the foreign service, the judiciary, regional and local government and the educational and private sectors.**

284. The Committee is concerned that the amended Law on Citizenship still does not provide women with the same rights as men to retain or transmit their Indonesian citizenship and is not in compliance with article 9 of the Convention. The Committee expresses concern that the imposition of time limits and administrative requirements for women to retain their Indonesian citizenship creates obstacles to women's full enjoyment and retention of their citizenship rights. In particular, the Committee is concerned about the discriminatory impact of the law on women who migrate abroad, especially those facing situations of violence or who are trafficked as mail-order brides or for purposes of commercial sexual exploitation, as they are at risk of losing their nationality under the amended Citizenship Law.

285. **The Committee urges the State party to amend its citizenship and nationality laws in order to bring them into line with article 9 of the Convention and to set a speedy timetable for such an amendment. It further urges the State party to consider the impact of its citizenship and nationality laws on women who migrate or are trafficked abroad, and to take such a potentially disadvantageous impact fully into consideration when amending the laws.**

286. The Committee is concerned about limits and obstacles to access for girls and young women to education at all levels, especially at the secondary and tertiary levels. It is also concerned about obstacles in access to education for girls who live in rural or remote areas. The Committee is further concerned about the low representation of girls and women in non-traditional academic and professional fields, in particular science and technology, and in decision-making positions in the education sector, such as school principals. The Committee is also concerned that there is insufficient awareness among teachers and children of the Convention, human rights, women's rights and children's rights in general.

287. **The Committee urges the State party to ensure equal opportunities for girls and women in education at all levels and to take measures to ensure that women and girls in rural and remote areas are equally able to receive a quality**

education. The Committee encourages the State party to develop measures aimed at the diversification of women's academic and professional choices, including in non-traditional fields, and to closely monitor the career development of women to the highest levels of the educational system in order to ensure equal access of women and men and prevent and eliminate hidden or indirect discrimination faced by women. It also requests the State party to enhance the training of teaching staff in regard to gender equality issues. It urges the State party to disseminate information on the Convention in programmes in the educational system, including human rights education and gender training, and to provide parenting education on these issues, with a view to enhancing gender-sensitive socialization and child-rearing processes.

288. While the Committee welcomes the signing of memorandums of understanding on the rights of migrant workers with some countries, the efforts of the State party to increase the pre-departure preparedness of migrant workers and its stated commitment to reducing the fees charged from departing and returning migrant workers in Indonesia, the Committee remains concerned at the situation of women migrants from Indonesia, who constitute some 70 per cent of the country's migrants. It is also concerned that bilateral agreements and memorandums of understanding have not been entered into with all countries and regions to which Indonesian women migrate and that the rights of women workers who migrate through informal channels are not adequately protected. The Committee is further concerned about the discriminatory provisions contained in some of the existing memorandums of understanding, including provisions that allow employers to hold migrant workers' passports. The Committee is also concerned about the high fees and burdensome administrative requirements imposed in Indonesia on departing and returning migrant workers.

289. **The Committee urges the State party to continue developing bilateral agreements and memorandums of understanding with the countries to which Indonesian women migrate in search of work, while ensuring that such agreements fully reflect women's human rights and are in conformity with the Convention. The Committee further urges the State party to ensure that discriminatory provisions are removed and/or excluded from memorandums of understanding or bilateral agreements, such as provisions allowing employers to hold employees' passports. In addition, it requests the State party to develop policies and measures to protect women migrant workers who go abroad through informal and formal channels from all forms of violations of their rights, including by monitoring recruitment agencies and practices and expanding the services provided to these workers abroad. The Committee further encourages the State party to reduce the fees and administrative burdens imposed on migrant workers at points of departure from or entry into Indonesia. The Committee also encourages the State party to take a coherent and comprehensive approach to addressing the root causes of women's migration, including through the creation of conditions necessary for sustainable development and of safe and protected jobs for women as a viable economic alternative to migration or unemployment.**

290. The Committee regrets the lack of information provided on the situation of women in the labour market, especially regarding women in the informal sector. The Committee is concerned about the situation of women with respect to recruitment processes, the pay gap between women and men and the inequalities in the social

security benefits provided to women and men. The Committee also expresses concern regarding the poor implementation of and inadequate protections and sanctions within existing labour laws. In particular, the Committee is concerned about the omission from the Manpower Act of 2003 of a provision recognizing the principle of equal pay for equal work and work of equal value in accordance with the Convention and ILO Convention No. 100. The Committee also expresses concern regarding the lack of a law prohibiting sexual harassment in the workplace.

291. **The Committee requests the State party to take concrete measures to eliminate discrimination and to ensure equal opportunities for, and equal treatment of, women and men in the labour market in accordance with article 11 of the Convention. It further calls for measures to ensure that women receive equal pay for both equal work and work of equal value and equal social benefits and services. It encourages the State party to establish sanctions for discrimination against women in the employment field in both the public and private sectors, including sexual harassment, to create effective enforcement and monitoring mechanisms and to ensure that women have access to means of redress, including legal aid. The Committee calls upon the State party to provide detailed information in its next report, including statistical data indicating trends over time, about the situation of women in the fields of employment and work in the public, private, formal and informal sectors and about the impact of measures taken to realize equal opportunities for women.**

292. While the Committee welcomes the reintroduction of the "Mother Friendly Movement" to combat maternal mortality, it is concerned about the high rates of maternal and infant mortality in Indonesia. The Committee is also concerned about the lack of family planning education and the difficulty in accessing contraceptives, which result in a high rate of abortions and teenage pregnancies. While the Committee also appreciates the efforts of the State party to revise the Population Law to ensure that birth certificates are available to the poor, the Committee is concerned that a lack of information, bureaucratic obstacles and financial barriers may prevent poor and rural women from obtaining birth certificates and registering births and notes that the inability to access such services has been linked to the medicalization of female genital mutilation and to trafficking in females.

293. **The Committee urges the State party to continue its efforts to ensure that women have equal access to appropriate and adequate health services, including in rural areas, that obstetric and maternal health needs are adequately addressed and that maternal mortality rates are reduced. It invites the State party to make full use of the Committee's general recommendation 24 on women and health. The Committee also recommends that measures be taken to guarantee effective access of women and girls to information and services regarding sexual and reproductive health and contraception in order to reduce the rate of unsafe abortions and teenage pregnancy. The Committee also urges the State party to take legislative and practical steps to ensure that births can easily be registered and birth certificates obtained free of charge. It also recommends that the State party implement public awareness-raising campaigns and take concrete measures to ensure that poor and rural women are aware of the requirements relating to birth registrations and certificates and are able to fully access the birth certificate and registration services provided by the Government. The Committee requests that the State party**

provide information on the impact of measures taken by the Government in these areas in its next report.

294. The Committee is concerned that widespread poverty among women and poor socio-economic conditions are among the causes of the violation of women's human rights and discrimination against women. The Committee is especially concerned about the situation of rural women, including their lack of access to legal protection, health care and education. While noting the enactment of the 2007 Law on Natural Disaster Management, the Committee is particularly concerned with the situation of women victims of natural disasters and emergencies, including women victims of the Tsunami of 2005. It is concerned that the health, including reproductive health, clothing, housing and safety needs of these women are not being met, and that women heads of households suffer discriminatory treatment when attempting to access the housing or food aid provided to male heads of households.

295. **The Committee recommends that the State party ensure that the promotion of gender equality and sensitization to gender equality issues is an explicit component of, and is fully implemented in, its national development plans and policies, in particular those aimed at poverty alleviation, sustainable development and natural disaster management. It urges the State party to pay special attention to the needs of rural women, ensuring that they participate in decision-making processes and have full access to legal aid, education, health services and credit facilities. The Committee also urges the State party to take appropriate measures to eliminate all forms of discrimination against women with respect to access to housing and food aid in emergency and natural disaster situations and to ensure that women in these situations are adequately protected from violence.**

296. **The Committee requests that information be provided in the next report about the situation of older women and women with disabilities.**

297. **The Committee encourages the State party to ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women and to accept, as soon as possible, the amendment to article 20, paragraph 1, of the Convention concerning the meeting time of the Committee.**

298. **The Committee urges the State party, in its implementation of its obligations under the Convention, to fully utilize the Beijing Declaration and Platform for Action, which reinforce the provisions of the Convention, and requests the State party to include information thereon in its next periodic report.**

299. **The Committee also emphasizes that a full and effective implementation of the Convention is indispensable for achieving the Millennium Development Goals. It calls for the integration of a gender perspective and an explicit reflection of the provisions of the Convention in all efforts aimed at the achievement of the Millennium Development Goals and requests the State party to include information thereon in its next periodic report.**

300. **The Committee notes that States' adherence to the seven major international human rights instruments enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. Therefore, the Committee encourages the Government of Indonesia to ratify the treaty to**

which it is not yet a party, namely, the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

301. **The Committee requests the wide dissemination in Indonesia of the present concluding comments in order to make the people, including government officials, politicians, parliamentarians and women's and human rights organizations, aware of the steps that have been taken to ensure de jure and de facto equality of women and of the further steps that are required in that regard. The Committee requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Convention, its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".**

302. **The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report under article 18 of the Convention. The Committee invites the State party to submit its sixth periodic report, which was due in October 2005, and its seventh periodic report, which is due in October 2009, in a combined report in October 2009.**

7. Combined fourth, fifth and sixth periodic report

Guinea

303. The Committee considered the combined fourth, fifth and sixth periodic report of Guinea (CEDAW/C/GIN/4-6) at its 795th and 796th meetings, on 25 July 2007 (see CEDAW/C/SR.795 (A) and 796 (A)). The Committee's list of issues and questions is contained in CEDAW/C/GIN/Q/6, and the responses of Guinea are contained in CEDAW/C/GIN/Q/6/Add.1.

Introduction

304. The Committee expresses its appreciation to the State party for its combined fourth, fifth and sixth periodic report, which was candid, while regretting that the report was overdue, did not comply with the Committee's guidelines for preparation of reports, did not make reference to the Committee's general recommendations and the written submission in response to the list of issues and questions raised by the pre-session working group did not directly address many of the questions raised.

305. The Committee also expresses its appreciation for the frank and constructive dialogue held between the delegation and the members of the Committee, which provided further insights into the current situation of women in the country.

306. The Committee commends the State party for its high-level delegation headed by the Minister for Social Affairs and the Promotion of Women and Childhood and which included representatives of a number of different ministries and offices.

Positive aspects

307. The Committee commends the State party on the establishment of several institutions to promote gender equality, including the equality committees in the education system, the gender focal points in some ministerial departments, the

Observatory on Respect for Women's Rights in the National Assembly, and the national and regional CEDAW monitoring committees.

308. The Committee welcomes the progress made to combat human trafficking, such as the creation of a national committee to combat trafficking in 2005; the elaboration of a national Plan of action; the accession to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime; the amendment of the Penal Code and the conclusion, in 2005, of one bilateral cooperation agreement and one multilateral agreement with seven countries of West Africa on the repatriation of trafficked children.

309. The Committee commends the State party on various initiatives undertaken to improve women's health, including the launching of a multisectoral HIV/AIDS project, the placement of the Executive Secretariat of the National AIDS Committee under the aegis of the Office of the Prime Minister and the increase of the State budget allocated to the health sector in general, and to improve maternal health in particular, as orally stated by the delegation.

310. The Committee notes with satisfaction the State party's efforts aimed at empowering rural women, such as the establishment of the National Rural Development and Agricultural Extension Service, the establishment of the Triennial National Literacy Programme for 300,000 women at the grass-roots level and the adoption of the Land (Private and State-owned) Code.

Principal areas of concern and recommendations

311. **While recalling the State party's obligation to implement systematically and continuously all the provisions of the Convention, the Committee views the concerns and recommendations identified in the present concluding comments as requiring the State party's priority attention between now and the submission of the next periodic report. Consequently, the Committee calls upon the State party to focus on those areas in its implementation activities and to report on action taken and results achieved in its next periodic report. It calls on the State party to submit the present concluding comments to all relevant ministries and to Parliament so as to ensure their full implementation.**

312. While noting that the Convention is an integral part of Guinean law, the Committee also notes that the absence of a specific legal provision in its domestic legislation, with a definition of discrimination against women in accordance with article 1 of the Convention, which encompasses both direct and indirect discrimination, constitutes an impediment to the full application of the Convention in the State party, as already stated in its previous concluding comments (see A/56/38, part two, chap. IV, para. 118).

313. **The Committee reiterates its recommendation that the State party develop capacity to understand the meaning of substantive equality and non-discrimination, as required by the Convention, and include without delay the prohibition of discrimination against women in its domestic law, encompassing both direct and indirect discrimination, in line with article 1 of the Convention.**

314. The Committee is concerned that the provisions of the Convention and the general recommendations of the Committee are not known in the State party,

including by judges, lawyers and prosecutors, and by women themselves. The Committee is also concerned that the Convention has yet to be invoked by women in domestic litigation and applied by the judiciary. The Committee is further concerned that women's ability to bring cases of discrimination before the courts is limited by factors such as poverty, illiteracy, practical difficulties in reaching courts, lack of information about their rights and lack of assistance in pursuing their rights.

315. **The Committee calls upon the State party to intensify its efforts to raise awareness about the Convention and the general recommendations of the Committee, and to implement training programmes for prosecutors, judges and lawyers on the Convention so as to firmly establish in the country a legal culture supportive of gender equality and non-discrimination. The Committee urges the State party to provide legal aid services and recommends that sustained awareness-raising and legal literacy campaigns targeting women, including rural women, and non-governmental organizations working on women's issues be undertaken to encourage and empower women to avail themselves of available procedures and remedies for violations of their rights under the Convention. The Committee requests the State party to remove the impediments women, including rural women, may face in gaining access to justice and encourages the State party to seek assistance from the international community in order to implement measures that in practice will strengthen women's access to justice.**

316. While welcoming the strengthening of the national machinery for the advancement of women with the establishment of the gender focal points in some ministerial departments, the Observatory on Respect for Women's Rights in the National Assembly, and the national and regional CEDAW monitoring committees, the Committee is concerned that the latter were unable to fulfil their functions owing to lack of support. The Committee is also concerned that the national machinery does not have enough authority, visibility and human and financial resources to carry out effectively its mandate to promote the advancement of women and gender equality. The Committee is further concerned about the insufficient coordination and cooperation among the Ministry and other institutional mechanisms in regard to the promotion of gender equality and the prevention and elimination of discrimination against women.

317. **The Committee recommends that the State party strengthen its national machinery for the advancement of women by clearly defining the mandates and responsibilities of its various components and by allocating sufficient human and budgetary resources to ensure that they can fully and adequately perform all their functions. Those measures should, in particular, include the provision of the means necessary for better and more effective cooperation and coordination between the various mechanisms, and for enhanced cooperation with civil society.**

318. While welcoming the revision of the National Policy for the Advancement of Women in 2006, the Committee notes with concern that no assessment or impact analysis has been conducted of past policies, programmes and action plans on gender equality and that necessary corrective measures have not been taken.

319. **The Committee calls upon the State party to undertake an assessment of its past policies and programmes on gender equality with a view to identifying shortcomings, gaps and lack of progress, and use that assessment whenever**

policies, programmes and actions are being updated. It also calls upon the State party to monitor systematically the implementation of its gender equality policies and programmes, assess their impact and the extent to which stated goals are achieved and undertake corrective measures whenever necessary. It requests the State party to include, in its next periodic report, information on the impact of policies and programmes in regard to the promotion of gender equality.

320. The Committee notes with concern the absence of any temporary special measures in accordance with article 4, paragraph 1, of the Convention, and the State party's apparent lack of understanding of the purpose of such measures.

321. **The Committee recommends that the State party use temporary special measures, in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25, as part of a necessary strategy to accelerate the achievement of de facto equality between women and men. It calls upon the State party to consider using a range of possible measures, such as quotas, benchmarks, targets and incentives, in particular with regard to accelerated implementation of articles 7, 8, 10, 11 and 14 of the Convention.**

322. The Committee is concerned about the delays in the adoption of the draft civil code, thus allowing for the persistence of discriminatory provisions that deny women equal rights with men in various fields.

323. **The Committee urges the State party to place high priority on completing the process needed for the adoption of the draft civil code and to adopt it without delay within a clear time frame, in order to promptly bring the relevant provisions into line with the Convention, specifically with articles 9, 13, 15 and 16.**

324. The Committee is concerned about the prevalence of a patriarchal ideology with firmly entrenched stereotypes regarding the roles and responsibilities of women and men in the family and society. It is also concerned about the persistence of deep-rooted adverse cultural norms, customs and traditions, including forced and early marriage and female genital mutilation, that discriminate against women, perpetuate violence against women and constitute serious obstacles to women's enjoyment of their human rights.

325. **The Committee urges the State party to view culture as a dynamic dimension of the country's life and social fabric, subject to many influences over time and therefore to change. It urges the State party to put in place without delay a comprehensive strategy, including clear goals and timetables, to modify or eliminate negative cultural practices and stereotypes that are harmful to and discriminate against women, and to promote women's full enjoyment of their human rights. It also urges the State party to put in place monitoring mechanisms to regularly assess progress made towards the achievement of established goals. It requests the State party to undertake such efforts in collaboration with civil society, women's organizations and community and religious leaders, and to report on measures taken and results achieved in its next periodic report.**

326. While noting the entrenched cultural underpinning of female genital mutilation and welcoming the promulgation of Act L/2000/010/AN of 10 July 2000 on reproductive health which prohibits female genital mutilation, as well as other

measures, such as the prohibition on carrying out female genital mutilation at health facilities, the Committee is deeply concerned about the persistence and very high incidence of that harmful practice, which is a grave violation of girls' and women's human rights and of the State party's obligations under the Convention. It is also concerned about the impunity of perpetrators. The Committee notes the serious health complications for girls and women arising out of the practice of female genital mutilation and which, in some cases, may lead to death.

327. **The Committee urges the State party to raise awareness about the Law on Reproductive Health that prohibits all forms of female genital mutilation and to ensure its enforcement, including the prosecution and adequate punishment of offenders. It urges the State party to strengthen its awareness-raising and education efforts, targeted at both men and women, with the support of civil society and religious leaders, in order to eliminate the practice of female genital mutilation and its underlying cultural and religious justifications. It encourages the State party to devise programmes for alternative sources of income for those who perform female genital mutilation as a means of livelihood. It calls upon the State party to address the health consequences of female genital mutilation and provide medical support to those affected by it. In this context, it also encourages the State party to seek technical assistance from the United Nations Population Fund and the World Health Organization.**

328. The Committee remains concerned about the prevalence of violence against women and girls. The Committee is particularly concerned about occurrences of domestic violence, rape, including marital rape, and all forms of sexual abuse of women, and about the persistence of patriarchal attitudes whereby the physical chastisement of family members, including women, is considered acceptable. It is further concerned about the lack of information and data in the report on the prevalence of different forms of violence against women, the lack of legislation to address domestic violence comprehensively, the apparent lack of public awareness of this violation of women's human rights and the insufficient support for victims of violence.

329. **The Committee urges the State party to place the highest priority on implementing a comprehensive approach to address all forms of violence against women. It encourages the State party to make full use of the Committee's general recommendation 19 in such efforts and of the United Nations Secretary-General's in-depth study on all forms of violence against women (A/61/122/Add.1 and Corr.1). It urges the State party to raise public awareness through the media and education programmes that all forms of violence against women are unacceptable. The Committee calls upon the State party to train the judiciary, law enforcement officials, legal professionals, social workers and health providers so as to ensure that the perpetrators of violence against women are effectively prosecuted and punished with the required seriousness and speed and that effective and gender-sensitive support is provided to victims. It calls on the State party to enhance victims' access to legal redress and to establish support measures for victims of violence against women, including shelters and legal, medical and psychological support. The Committee urges the State party to enact without delay legislation on domestic violence, including marital rape, and all forms of sexual abuse, as requested in the Committee's previous concluding comments (see A/56/38, part two, chap. IV, para. 135). The Committee requests the State party to provide**

information in its next report on the laws, policies and programmes in place to deal with all forms of violence against women and on the impact of such measures, as well as statistical data and trends over time concerning the prevalence of various forms of such violence.

330. While appreciating the State party's efforts to combat the trafficking of women and girls, the Committee remains concerned about the absence of adequate measures to combat this phenomenon, including its causes and extent, in particular from the State party's position as a country of origin, transit and destination. Moreover, the Committee is concerned about the lack of data and statistical information about the extent of trafficking in women and girls, in particular internal trafficking from rural to urban areas.

331. **The Committee urges the State party to undertake efforts to determine the causes and extent of trafficking of women and girls from its perspective as a country of origin, transit and destination and to determine the incidence of internal trafficking. It recommends that the State party strengthen measures to combat and prevent trafficking in women and girls and to improve the economic situation of women so as to eliminate their vulnerability to exploitation and traffickers. The Committee requests the State party to provide, in its next report, comprehensive information and data on trafficking in women and girls.**

332. The Committee reiterates its concern about the continuing underrepresentation of women in public and political life and in decision-making positions, including in the National Assembly, Government, diplomatic service and local bodies. It notes with concern the decline from 2002 to 2007 in the number of women at high and decision-making levels, in particular of women in Parliament, women ministers and women secretaries-general in ministries.

333. **The Committee encourages the State party to take sustained measures, including temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25 on temporary special measures, and the Committee's general recommendation 23 on women in public life and decision-making. It also encourages the State party to establish concrete goals and timetables so as to accelerate the increase in the representation of women in elected and appointed bodies in all areas of public life, including in the foreign service, at all levels, and to monitor their achievement. It also recommends further efforts to increase the number of women in decision-making positions in public administration and in the private sector. In the light of the legislative elections scheduled to be held in December 2007, the Committee urges the State party to implement awareness-raising campaigns, work with political parties to increase the number of women candidates and develop targeted training and mentoring programmes for women candidates. It further calls on the State party to highlight the importance to society as a whole of women's full and equal participation in leadership positions at all levels of decision-making for the development of the country.**

334. The Committee notes with concern that certain provisions of the Civil Code continue to contradict article 9 of the Convention on nationality and discriminate against Guinean women.

335. **The Committee requests the State party to speedily enact the amendments to the Civil Code so as to bring it in conformity with article 9 of the Convention.**

336. While noting with satisfaction the inclusion of functional literacy modules in the curriculum of the women's self-help centres (CAAF) and, in 2003, the establishment of a United Nations Educational, Scientific and Cultural Organization (UNESCO) Chair of Women, Gender, Society and Development at the University of Conakry, the Committee remains concerned about the very high rate of illiteracy among women and girls, which clearly demonstrates patterns of direct and indirect discrimination under article 10. It is also concerned about the very low number of girls in higher education, the low level of schooling of girls, in particular in rural areas, and the high dropout rate of girls, including for such reasons as pregnancy and early and forced marriage. It is further concerned about the poor educational infrastructure and the insufficient number of schools and qualified teachers, as well as about the economic burden for parents to send girls to school.

337. **The Committee urges the State party to raise awareness of the importance of education as a human right and as a basis for the empowerment of women, and to take steps to overcome traditional attitudes that perpetuate discrimination and lack of compliance with the provisions of article 10 of the Convention. It recommends that the State party implement measures to ensure equal access for girls and women to all levels of education and to ensure the retention of girls in school, including through temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25, such as incentives for parents to send girls to school. The Committee calls on the State party to make every effort to improve the literacy level of girls and women through the adoption of comprehensive programmes of formal and non-formal education, and through adult education and training. It requests the State party to implement specific measures to enable girls to complete their schooling after childbirth, and to combat early and forced marriage as obstacles to their education. It encourages the State party to strengthen collaboration with civil society and to seek enhanced support from the international community and donor organizations to accelerate compliance with article 10 of the Convention.**

338. The Committee is concerned about the high rate of female unemployment, in particular following the elimination of civil service positions. It is also concerned about occupational segregation and the concentration of women in the low-wage and unskilled labour sectors. It is further concerned about women's unequal access to employment opportunities, resulting in the overrepresentation of women in the informal sector, which does not provide social protection. The Committee regrets the lack of information and data in the report on article 11, including women's working conditions, salaries, social benefits, maternity leave, safety and health at work, as well as on training and retraining opportunities available for unemployed women.

339. **The Committee urges the State party to implement fully article 11 of the Convention. It calls on the State party to address the impediments that women face with respect to employment. It recommends that the State party implement measures to encourage and support women's entrepreneurship, including by providing training and access to credit. It calls on the State party to provide in**

its next report detailed information about the situation of women in the fields of employment and work, in both the formal and informal sectors, measures taken and their impact on realizing equal opportunities for women.

340. While welcoming recent initiatives undertaken to improve women's health, the Committee remains concerned about the limited access for women to adequate health-care services, including prenatal and post-natal care and family planning information, particularly in rural areas. The Committee is alarmed at the persistent high maternal mortality rate, which is the highest in Sub-Saharan Africa and an indication of lack of obstetric care, and at the high infant mortality rate. The Committee is also alarmed at the rising HIV/AIDS infection rates for women.

341. **The Committee urges the State party to continue its efforts to improve the country's health infrastructure. It calls on the State party to integrate a gender perspective in all health sector reforms, while also ensuring that women's sexual and reproductive health needs are adequately addressed, and to utilize fully article 12 and the Committee's general recommendation 24 as the framework for such efforts. In particular, the Committee recommends that the State party undertake appropriate measures to improve women's access to health care and health-related services and information, including access for women who live in rural areas. It calls upon the State party to improve the availability of sexual and reproductive health services, including family planning information and services, as well as access to antenatal, post-natal and obstetric services to reduce maternal mortality and to achieve the Millennium Development Goal of reducing maternal mortality. The Committee also recommends the implementation of a comprehensive, time-bound infant mortality reduction programme. It encourages the State party to seek technical support from the United Nations Population Fund in these areas. It also recommends that programmes and policies be adopted to increase knowledge of and access to affordable contraceptive methods, so that women and men can make informed choices about the number and spacing of children. It further recommends that sex education be widely promoted and targeted at girls and boys, with special attention paid to the prevention of early pregnancy and the control of sexually transmitted diseases and HIV/AIDS. It also calls on the State party to ensure the effective implementation of its HIV/AIDS law and policies, and to seek technical support from the World Health Organization and the Joint United Nations Programme on HIV/AIDS in this regard.**

342. The Committee expresses concern that discriminatory provisions exist in relation to family benefits, whereby payments are being made to the husband only as head of the household.

343. **The Committee urges the State party to repeal discriminatory provisions in relation to family benefits, in accordance with article 13 of the Convention.**

344. The Committee is concerned that widespread poverty among women and poor socio-economic conditions are among the causes of the violation of women's human rights and discrimination against women. The Committee is especially concerned about the situation of rural women, particularly in view of their precarious living conditions and lack of access to justice, health care, ownership of land, inheritance, education, credit facilities and community services. It is further concerned at practical impediments women face in accessing credit, such as lack of collateral or conventional credit institutions' disinterest in farming activities.

345. **The Committee urges the State party to make the promotion of gender equality an explicit component of its national development plans and policies, in particular those aimed at poverty alleviation and sustainable development. It urges the State party to pay special attention to the needs of rural women, ensuring that they participate in decision-making processes and have full access to justice, education, health services and credit facilities. The Committee also urges the State party to take appropriate measures to eliminate all forms of discrimination against women with respect to ownership and inheritance of land. The Committee calls on the State party to ensure that a gender perspective is included in all poverty reduction plans and strategies. The Committee recommends that the State party collect data on the situation of rural women and include such data and analysis in its next periodic report.**

346. The Committee is concerned about various prevailing discriminatory provisions in the Civil Code, such as a lower age of marriage for women (17 years) than for men (18 years), the notion that the man is the head of the household and as such determines the location of the family domicile, and the provisions relating to custody of minor children and the unequal sharing of marital responsibilities.

347. **The Committee urges the State party to place high priority on the speedy adoption of the draft civil code in order to bring the relevant provisions promptly into line with articles 1, 2, 15 and 16 of the Convention. The Committee calls upon the State party to increase its efforts to sensitize public opinion regarding the importance of this reform, in order to achieve full compliance with its provisions.**

348. The Committee regrets that the report provided insufficient statistical data, disaggregated by sex and ethnicity, on the practical realization of the principle of equality between women and men in all areas covered by the Convention. It also regrets that the report provided insufficient information on the impact of and results achieved in respect of legal and policy measures taken.

349. **The Committee urges the State party to enhance its data collection system, seek technical assistance from the international community and include such data, disaggregated by sex, in its next report. It also recommends that the State party regularly conduct impact assessments of its legislative reforms, policies and programmes to ensure that measures taken achieve the desired goals and that it inform the Committee about the results of these assessments in its next report.**

350. **The Committee encourages the State party to ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women and to accept, as soon as possible, the amendment to article 20, paragraph 1, of the Convention concerning the meeting time of the Committee.**

351. **The Committee urges the State party to utilize fully, in its implementation of its obligations under the Convention, the Beijing Declaration and Platform for Action, which reinforce the provisions of the Convention, and requests the State party to include information thereon in its next periodic report.**

352. **The Committee also emphasizes that full and effective implementation of the Convention is indispensable for achieving the Millennium Development Goals. It calls for the integration of a gender perspective and explicit reflection of the provisions of the Convention in all efforts aimed at the achievement of**

the Millennium Development Goals, and requests the State party to include information thereon in its next periodic report.

353. **The Committee commends the State party for having ratified the seven major international human rights instruments.[1] The Committee notes that the State party's adherence to those instruments enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life.**

354. **The Committee requests the wide dissemination in Guinea of the present concluding comments in order to make the people, including government officials, politicians, parliamentarians and women's and human rights organizations, aware of the steps that have been taken to ensure de jure and de facto equality for women, as well as the further steps that are required in that regard. In particular, the Committee encourages the State party to convene a public forum involving all State actors as well as the civil society to discuss the presentation of the report and the content of the concluding comments. The Committee requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Convention, its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".**

355. **The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report under article 18 of the Convention. The Committee invites the State party to submit its seventh periodic report, which is due in September 2007, and its eighth periodic report, which is due in September 2011, in a combined report in 2011.**

Honduras

356. The Committee considered the combined fourth, fifth and sixth periodic report of Honduras (CEDAW/C/HON/6) at its 797th and 798th meetings, on 26 July 2007 (see CEDAW/C/SR.797 (A) and 798 (A)). The Committee's list of issues and questions is contained in CEDAW/C/HON/Q/6, and the responses of Honduras are contained in CEDAW/C/HON/Q/6/Add.1.

Introduction

357. The Committee expresses its appreciation to the State party for its combined fourth, fifth and sixth periodic report, but regrets that it was significantly overdue, failed to incorporate sufficient statistical data disaggregated by sex and lacked references to the Committee's general recommendations.

358. The Committee commends the State party on its high-level delegation, headed by the Minister of the National Women's Institute, which is the national machinery for the advancement of women, and including the President of the Honduras Supreme Court and other representatives of the national judicial system, law enforcement mechanisms and gender-equality experts.

359. The Committee congratulates the State party on its written replies to the list of issues and questions raised by the pre-session working group and for the frank and constructive dialogue held between the delegation and the members of the

Committee, which provided further insights into the real situation of women in Honduras.

Positive aspects

360. The Committee commends the State party for the establishment of (a) special courts on domestic violence in Tegucigalpa and San Pedro Sula, in 2007; (b) the National Women's Institute, as the national machinery for the advancement of women, in 1999; and (c) the Special Public Prosecutor's Office for Women, in 1994.

361. The Committee congratulates the State party on its (a) National Policy on Women, First National Equal Opportunities Plan (2002-2007); (b) policy on gender equality in agriculture, 1999-2015; and (c) law on domestic violence, 1997, with reforms made in 2006.

362. The Committee commends the State party for the appointment of 8 women as judges of the Supreme Court, out of a total 15 judges, and for the appointment of a female President of the Supreme Court.

363. The Committee welcomes the delegation's statement that the State party is completing the process of ratification of the Optional Protocol.

Principal areas of concern and recommendations

364. **While recalling the obligation of the State party to systematically and continuously implement all the provisions of the Convention, the Committee views the concerns and recommendations identified in the present concluding comments as requiring the priority attention of the State party before the submission of the next periodic report. Consequently, the Committee calls upon the State party to focus on those areas in its implementation activities and to report on actions taken and results achieved in its next periodic report. It also calls upon the State party to submit the present concluding comments to all relevant ministries and to the parliament so as to ensure their full implementation.**

365. While appreciating the efforts of the State party to provide gender-sensitivity training to legal professionals, the Committee is concerned that the provisions of the Convention and the general recommendations of the Committee are not sufficiently known, including by legal professionals and by women themselves, and therefore are not relied upon in the promotion of gender equality and the elimination of all forms of discrimination against women.

366. **The Committee calls upon the State party to intensify its efforts to raise awareness about the Convention and the general recommendations of the Committee, and to ensure that gender-sensitivity training programmes for legal professionals cover all rights and provisions of the Convention so as to firmly establish in the country a legal culture supportive of gender equality and the elimination of discrimination against women. The Committee further calls upon the State party to widely disseminate the Convention and its general recommendations among all stakeholders, including government ministries, parliamentarians, the judiciary, political parties, non-governmental organizations, the private sector and the general public, so as to encourage their effective use.**

367. While appreciating the establishment of the Office of the Special Prosecutor for Women, the Committee is concerned that women's ability to bring cases of discrimination before the courts is limited by factors such as poverty, lack of assistance in pursuing their rights, lack of information about their rights and attitudes of law enforcement and judicial officials that create obstacles for women seeking access to justice.

368. **The Committee recommends that sustained awareness-raising and legal literacy campaigns targeting women, including rural and indigenous women and women of African descent, on gender equality be undertaken to encourage and empower women to use available procedures and remedies relating to violations of their rights under the Convention. The Committee urges the State party to provide legal aid services for women, including rural and indigenous women and women of African descent, and to remove all impediments women may face in gaining access to justice, including costs related to filing and pursuing court cases and lengthy delays in legal proceedings. The Committee further urges the State party to make women aware of their right to file complaints against government officials who fail to apply the relevant laws for the benefit of women and to monitor the outcome of such complaints. The Committee encourages the State party to seek assistance from the international community in order to implement measures that will strengthen women's access to justice. The Committee requests the State party to provide information about women's access to justice, including the legal aid provided, in its next periodic report.**

369. While appreciating the reform of the Penal Code in 2005 to revise some discriminatory provisions, and noting the State party's efforts to establish a gender unit within the judicial branch to review and revise discriminatory legislation, procedural codes and regulations, the Committee is concerned about the delay in the law reform process, especially since the State party assumed the obligation to remove such discriminatory provisions upon its ratification of the Convention without reservations over 24 years ago.

370. **The Committee calls upon the State party to give high priority to its law reform process and to modify or repeal, without delay and within a clear time frame, discriminatory legislation, procedural codes and regulations, including discriminatory provisions in the Family Law and the Labour Code. To this end, the Committee calls upon the State party to increase its efforts to sensitize the parliament as well as public opinion regarding the importance of accelerating legal reform aimed at achieving de jure equality for women and compliance with the Convention.**

371. While welcoming the establishment of the National Women's Institute, as the national machinery for the advancement of women, the Committee is concerned that the national machinery does not have the requisite power and authority or sufficient financial and human resources to effectively carry out its work. In this regard, the Committee notes that the national machinery receives only 0.001 per cent of the national budget and has only 50 staff members. The Committee is further concerned that the replacement of the staff of the national machinery with every change in Government has an adverse impact on the level of professionalism, expertise and necessary continuity in the work of the national machinery.

372. **The Committee urges the State party to strengthen the National Women's Institute by significantly increasing its human and financial resources and technical capacity so that it can effectively implement the tasks required by its mandate. It calls upon the State party to strengthen the national machinery so that it has the power and authority to enable it to influence governmental policymaking and further promote the use of the gender mainstreaming strategy by all ministries and levels of Government, and attention to gender-equality issues in all laws, policies and national action plans. The Committee also recommends that the State party ensure that changes in Government do not adversely impact the professionalism, expertise and continuity in the work of the national machinery. The Committee urges the State party to evaluate the National Policy on Women, First National Equal Opportunities Plan (2002-2007) for its effectiveness and impact. The Committee also encourages the State party to establish a system to monitor implementation of the Convention.**

373. While appreciating the reforms to the Penal Code relating to sexual violence and abuse of 2005, and the reforms to the Law on Domestic Violence of 2006, the Committee continues to be concerned about the prevalence of many forms of violence against women, including sexual abuse against women and girls, particularly incestuous abuse of girls, as well as rape, domestic violence and femicide. The Committee is concerned that the effective implementation of plans and functioning of mechanisms to eliminate violence against women — such as the National Plan to Prevent, Punish and Eradicate Violence against Women (2006-2010), the proposed unit in the Public Prosecutor's Office to deal with violent crimes against women and specialized domestic violence courts in Tegucigalpa and San Pedro Sula — is hindered by insufficient allocation of resources. While appreciating the efforts of the State party to provide gender-sensitivity training for law enforcement and judicial officials, the Committee continues to be concerned about the negative attitudes of police and magistrates responsible for enforcing the law and applying protection mechanisms for the benefit of women victims of violence, which result in the continuation of impunity for crimes of violence against women. In this regard, the Committee is concerned that only 2.55 per cent of all complaints of domestic violence filed with the police in 2006 have been resolved. The Committee is further concerned that Honduran women may be compelled to migrate because of violence against women.

374. **In accordance with general recommendation 19, the Committee calls upon the State party to ensure that all forms of violence against women are criminalized; that women and girls who are victims of violence have access to immediate means of redress and protection; and that perpetrators are prosecuted and punished. The Committee urges the State party to allocate sufficient resources for the effective functioning of plans and mechanisms, including the National Plan to Prevent, Punish and Eradicate Violence against Women and the specialized domestic violence courts, to address all forms of violence against women and girls. The Committee further urges the State party to monitor the application, by law enforcement and judicial officials, of relevant legal measures for the benefit of women victims of violence and ensure that officials who fail to properly apply such measures are appropriately sanctioned. The Committee requests the State party to provide information, in its next periodic report, on the resources, both human and financial, allocated**

to plans and mechanisms aimed at eliminating violence against women, and the impact of such measures.

375. While noting that the State party revised its Penal Code in 2006 to add provisions on trafficking and commercial sexual exploitation, the Committee is concerned about the persistence of trafficking and the exploitation of prostitution, including a lack of measures for the rehabilitation of victims of trafficking and exploitation.

376. **The Committee calls upon the State party to fully implement article 6 of the Convention, including by speedily enacting specific and comprehensive national legislation on the phenomenon of trafficking (internal and cross-border) that ensures that offenders are punished and victims adequately protected and assisted. It calls upon the State party to consider ratifying the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime. The Committee further calls upon the State party to increase its efforts for international, regional and bilateral cooperation with countries of origin, transit and destination to prevent trafficking. The Committee urges the State party to collect and analyse data from the police and international sources, prosecute and punish traffickers, and ensure the protection of the human rights of trafficked women and girls. It recommends that the State party take measures for the rehabilitation and social integration of women and girls who are victims of exploitation and trafficking. The Committee further calls on the State party to take all appropriate measures to suppress exploitation of prostitution of women, including discouraging the male demand for prostitution.**

377. The Committee is concerned about the continuing low degree of representation of women in all areas of public and political life. While appreciating the establishment of a 30 per cent minimum quota for women candidates for publicly elected positions in article 105 of the Law on Elections and Political Organizations, the Committee is concerned about the lack of measures to enforce compliance with this quota, evidenced by the fact that the 2006 elections resulted in women holding less than 30 per cent of positions in all categories of elected office (24 per cent of deputies and 21 per cent of alternates in the National Congress, 8 per cent of mayors, 7 per cent of deputy mayors and 18 per cent of municipal councillors). The Committee is further concerned that the State party considers that the minimum quota established in article 105 contradicts article 104 of the same law, which guarantees non-discrimination.

378. **The Committee calls upon the State party to create a general legal basis for the use of temporary special measures, in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25. It encourages the State party to take sustained measures, including temporary special measures, and to establish concrete goals and timetables so as to accelerate the increase in the representation of women in elected and appointed bodies in all areas of public life. The Committee urges the State party to enforce the application of the 30 per cent minimum quota in article 105 of the Law on Elections and Political Organizations. It also recommends that the State party conduct training programmes on leadership and negotiation skills for current and future women leaders. It further urges the State party to**

undertake awareness-raising about the importance of women's full and equal participation in decision-making in all areas for society as a whole.

379. The Committee is concerned about the high rate of teenage pregnancy and its implications for the health and education of girls. The Committee is concerned that efforts to provide sex education in schools, developed by the Ministry of Education, are being impeded by conservative government actors. The Committee is also concerned that abortion is criminalized in all circumstances, including when a pregnancy threatens a woman's life or health and when it is a result of rape or incest. The Committee is concerned about the high HIV/AIDS infection rates in women and the fact that HIV/AIDS programmes and policies are not specifically targeted at women, with the exception of prostitutes and pregnant women, and do not address the needs of women of ethnic minorities.

380. **The Committee urges the State party to step up the provision of family-planning information and services to women and girls, in particular regarding reproductive health and affordable contraceptive methods, and to widely implement sex education targeted at girls and boys, with special attention to the prevention of teenage pregnancy. The Committee calls on the State party to guarantee that its public policies and decisions are in accordance with its Constitution, which establishes it as a secular State. The Committee recommends that the State party consider reviewing the law relating to abortion with a view to identifying circumstances under which abortion could be permitted, such as therapeutic abortions and abortions in cases of pregnancies resulting from rape or incest, and removing punitive provisions imposed on women who undergo abortion, in line with the Committee's general recommendation 24, on women and health, and the Beijing Declaration and Platform for Action. The Committee also urges the State party to provide women with access to quality services for the management of complications arising from unsafe abortions and to reduce women's maternal mortality rates. The Committee recommends that the State party include a gender perspective in its HIV/AIDS programmes and policies and ensure that such programmes and policies address the needs of women from ethnic minorities.**

381. While appreciating the efforts of the State party to incorporate a gender-equality approach in the Basic National Curriculum and to work with a range of educational institutions to remove stereotyped images of women and men from curricula, the Committee is concerned about the persistence of patriarchal attitudes and deep-rooted stereotypes regarding the roles and responsibilities of women and men in the family and society. Such stereotypes present a significant impediment to the implementation of the Convention and are a root cause of the disadvantaged position of women in all areas, including in the labour market and in political and public life.

382. **The Committee urges the State party to address stereotypical attitudes towards the roles and responsibilities of women and men, including cultural patterns and norms that perpetuate direct and indirect discrimination against women and girls in all areas of their lives. It calls upon the State party to implement and monitor comprehensive measures to bring about change in the widely accepted stereotypical roles of men and women. Such measures should include awareness-raising and educational campaigns addressing women and men and girls and boys, of all religious affiliations, with a view to eliminating**

stereotypes associated with traditional gender roles in the family and in society, in accordance with articles 2 (f) and 5 (a) of the Convention.

383. The Committee is concerned about the continuing discrimination against women in the labour market, where there is occupational segregation and a persistent wage gap between men and women. It is concerned about the concentration of women in the informal sector and in domestic work with no social security or other benefits provided under the Labour Code. The Committee is also concerned about the existence of child labour, in particular the exploitation and abuse of girls working in domestic service, and the exploitation of the predominantly female workers in the maquiladoras.

384. **The Committee recommends that the State party adopt policies and concrete measures to eliminate both horizontal and vertical occupational segregation, accelerate the eradication of pay discrimination against women and ensure de facto equal opportunities for women and men in the labour market. It also encourages the State party to ensure that women in the informal sector and domestic work are not exploited and are provided social security and other benefits. The Committee calls upon the State party to enact and effectively enforce laws against child labour and ensure that girls working in domestic service and in other jobs in both the formal and informal sector are not exploited or abused. The Committee recommends that the State party strengthen labour inspectorates to monitor compliance with the Labour Code, especially in the maquiladoras, and to ensure that penalties are imposed for violations.**

385. The Committee is concerned that the report did not provide sufficient statistical data on the situation of women in all areas covered by the Convention and disaggregated by other factors such as age, ethnicity and rural and urban areas. The Committee is also concerned about the lack of information on the impact of measures taken and of results achieved in various areas of the Convention.

386. **The Committee calls upon the State party to include in its next report statistical data and analysis on the situation of women, disaggregated by sex, age, ethnicity and rural and urban areas, indicating the impact of measures taken and the results achieved in the practical realization of women's substantive equality.**

387. **The Committee encourages the State party to ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women and to accept, as soon as possible, the amendment to article 20, paragraph 1, of the Convention concerning the meeting time of the Committee.**

388. **The Committee requests the State party to ensure the wide participation of all ministries and public bodies in, and to consult with non-governmental organizations during, the preparation of its next report. It encourages the State party to involve the parliament in a discussion of the report before its submission to the Committee.**

389. **The Committee urges the State party to utilize fully, in its implementation of the obligations under the Convention, the Beijing Declaration and Platform for Action, which reinforce the provisions of the Convention, and requests the State party to include information thereon in its next periodic report.**

390. The Committee also emphasizes that full and effective implementation of the Convention is indispensable for achieving the Millennium Development Goals. It calls for the integration of a gender perspective and the explicit reflection of the provisions of the Convention in all efforts aimed at the achievement of the Millennium Development Goals and requests the State party to include information thereon in its next periodic report.

391. The Committee commends the State party for having ratified the seven major international human rights instruments. It notes that the State party's adherence to those instruments enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life.

392. The Committee requests the wide dissemination in Honduras of the present concluding comments in order to make the people of Honduras, including government officials, politicians, parliamentarians and women's and human rights organizations, aware of the steps that have been taken to ensure de jure and de facto equality of women, as well as the further steps that are required in that regard. The Committee requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Convention, the Optional Protocol thereto, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".

393. The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report under article 18 of the Convention. The Committee invites the State party to submit its seventh periodic report, which is due in April 2008, and its eighth periodic report, due in April 2012, in a combined report in April 2012.

8. Fifth and sixth periodic reports

Republic of Korea

394. The Committee considered the fifth and sixth periodic reports of the Republic of Korea (CEDAW/C/KOR/5 and CEDAW/C/KOR/6) at its 801st and 802nd meetings, on 31 July 2007 (see CEDAW/C/SR.801 (B) and 802 (B)). The Committee's list of issues and questions is contained in CEDAW/C/KOR/Q/6, and the responses by the Republic of Korea are contained in CEDAW/C/KOR/Q/6/Add.1.

Introduction

395. The Committee expresses its appreciation to the State party for its fifth and sixth periodic reports, which followed the Committee's guidelines for the preparation of periodic reports. The Committee notes the quality of the reports, which are informative and takes into account the general recommendations of the Committee. The Committee also expresses its appreciation to the State party for its written replies to the list of issues and questions raised by the pre-session working group and for the oral presentation and further clarifications offered in response to the questions posed orally by the Committee.

396. The Committee commends the State party for its high-level delegation, headed by the Minister of Gender Equality and Family, which included representatives of different government departments, including the Ministry of Foreign Affairs and Trade, the Ministry of Justice, the Ministry of Labour and the Ministry of Government Administration and Home Affairs, with expertise in a broad range of areas covered by the Convention. The Committee appreciates the constructive dialogue that took place between the delegation and the members of the Committee.

397. The Committee commends the State party for the withdrawal of its reservation to article 9 in August 1999.

398. The Committee congratulates the State party for its accession, on 18 October 2006, to the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.

Positive aspects

399. The Committee notes with appreciation that, since the consideration of its fourth periodic report (CEDAW/C/KOR/4) in 1998, the State party has enacted and revised numerous laws and legal provisions aimed at eliminating discrimination against women and promoting gender equality and at achieving compliance with the State party's obligations under the Convention. In particular, it welcomes the adoption of the amendment of the Civil Act abolishing the family head system, which was a prime example of gender discrimination in the Republic of Korea.

400. The Committee welcomes the efforts of the State party to strengthen the national machinery for the advancement of women, as reflected in the significantly increased financial resources of the Ministry of Gender Equality and Family, as well as the existence of the Women's Policy Coordination Committee, senior gender policy coordinators and the women's policy teams within line ministries.

401. The Committee commends the efforts of the Government to incorporate gender perspectives into all government policies and its introduction of a gender-sensitive budget policy in 2006.

402. The Committee congratulates the State party on the establishment, in 2001, of the National Human Rights Commission, which provides for investigation and remedies for human rights violations based on 18 different factors, including gender.

Principal areas of concern and recommendations

403. **While recalling the obligation of the State party to systematically and continuously implement all the provisions of the Convention, the Committee views the concerns and recommendations identified in the present concluding comments as requiring the State party's priority attention between now and the submission of the next periodic report. Consequently, the Committee calls upon the State party to focus on those areas in its implementation activities and to report on action taken and results achieved in its next periodic report. It calls upon the State party to submit the present concluding comments to all relevant ministries and to Parliament so as to ensure their full implementation.**

404. While welcoming the amendment to the Civil Act in 2005, which will become effective on 1 January 2008, paving the way towards the lifting of the State party's remaining reservation to the Convention, the Committee remains concerned that no

clear timeline has been established to withdraw the reservation to article 16, paragraph 1 (g), of the Convention.

405. **The Committee urges the State party to expedite its efforts towards the withdrawal, within a concrete time frame, of its reservations to article 16, paragraph 1 (g), of the Convention.**

406. While acknowledging the direct applicability of the Convention in the domestic legal system and the legislative framework for women's de jure equality, the Committee expresses its concern about the lengthy planning process for the elimination of discrimination against women and the slow pace of progress in the effective implementation of all the provisions of the Convention, including in the area of women's political participation and employment, despite the different laws and policies that are in place. The Committee is also concerned that the lack of examples of any court cases invoking the Convention since its ratification in 1984 indicates that the Convention, the Optional Protocol and the general recommendations of the Committee are not sufficiently known by lawyers, judges and prosecutors, and by women themselves.

407. **The Committee calls upon the State party to strengthen and speed up the implementation of existing laws and policies by: setting clearly defined and time-bound targets, immediate as well as long-term; effectively monitoring and assessing impact, trends over time and progress towards realizing goals and objectives and results achieved; and by taking corrective action as necessary. It also recommends that the State party ensure the effective enforcement of existing laws, including by enhancing available remedies and their use. It also calls upon the State party to provide training for lawyers, judges and prosecutors about the Convention and the procedures under its Optional Protocol and to enhance women's knowledge of their rights and capacity to claim them.**

408. While noting that the 1987 Equal Employment Act covers direct and indirect discrimination and provides for the equal treatment of women and men in the workplace, and also noting that the National Human Rights Commission Act covers a number of discriminatory acts on the basis of gender, the Committee is concerned that a definition of discrimination against women in accordance with article 1 of the Convention, encompassing both direct and indirect discrimination and covering all areas of the Convention, has yet to be applied through its prohibition in relevant domestic laws and made applicable to both public and private sectors.

409. **The Committee recommends that the State party embody in its Constitution or in other appropriate legislation a prohibition of discrimination against women, encompassing both direct and indirect discrimination, in line with article 1 of the Convention and covering all areas of the Convention, and that it be made applicable to the private sector. It encourages the State party to enhance its awareness-raising efforts with respect to the nature of discrimination against women and the Convention's concept of substantive equality among Government officials, legislators, judges and lawyers and the general public in order to accelerate the practical realization of the principle of equality of women and men, in accordance with article 2 (a) of the Convention.**

410. While welcoming the amendments to the Act on Prevention of Domestic Violence and Protection of Victims and the Act on the Punishment of Sexual

Violence and Protection of Victims, the Committee regrets that marital rape has not been criminalized. The Committee remains particularly concerned that under the Act on the Punishment of Sexual Violence and Protection of Victims the crime of sexual violence is prosecuted only upon complaint by the victim. The Committee also expresses its concern about the low rates of reporting, prosecutions and convictions of cases of violence against women. It is concerned about the lack of information and data provided about the prevalence of all forms of violence against women.

411. **The Committee calls upon the State party to address violence against women as a violation of women's human rights and to make full use of the Committee's general recommendation 19 in its efforts to address all forms of violence against women. It urges the State party to intensify its awareness-raising efforts with regard to the unacceptability of all such violence, including domestic violence and requests the State party to criminalize marital rape and to eliminate the requirement of a victim's complaint in order to prosecute crimes of sexual violence. The Committee calls upon the State party to ensure that all women, including rural women, who are victims of domestic violence have access to immediate means of redress and protection, including protection orders, and access to a sufficient number of safe shelters, as well as to legal aid. It calls upon the State party to ensure that public officials, especially law enforcement personnel, the judiciary, health-care providers and social workers, are fully familiar with relevant legal provisions and are sensitized to all forms of violence against women, and that they are capable of providing adequate support to victims. It urges the State party to collect data and to conduct research on the prevalence, causes and consequences of all forms of violence against women, including domestic violence, and to use such data as the basis for further comprehensive measures and targeted intervention. It invites the State party to include statistical data and the results of measures taken in its next periodic report.**

412. The Committee is concerned about the persistence of trafficking and exploitation of prostitution and by the lack of data about these phenomena. While welcoming that victims of forced prostitution are entitled to rescue, protection and rehabilitation, the Committee is concerned that so-called voluntary prostitutes are subject to prosecution under the law, while first-time clients of prostitutes do not face punishment if they attend the "John School" programme, designed to educate such first-time offenders. The Committee is further concerned about the continued widespread phenomenon of *Wonjokyuje*, in which adolescent girls engage in a sexual relationship with older men for money.

413. **The Committee urges the State party to fully implement article 6 of the Convention, to collect and analyse data from the police and international sources and to prosecute and punish traffickers and those who exploit prostitution. The Committee calls upon the State party to increase its efforts at international, regional and bilateral cooperation with countries of origin, transit and destination in order to prevent trafficking. The Committee also encourages the State party to consider ratifying the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementary to the United Nations Convention against Transnational Organized Crime. The Committee further calls upon the State party to review its law on prostitution in order to ensure that women in prostitution are not criminalized. The Committee recommends the State party take measures to**

facilitate the reintegration of prostitutes into society and to provide rehabilitation and economic empowerment programmes for women and girls exploited in prostitution. The Committee also recommends the State party provide adolescent girls with educational programmes to stop *Wonjokyuje*.

414. While noting the elaboration of a draft law to regulate marriage brokers, the Committee expresses its concern about the increased number of international marriages, which may lead to foreign women being trafficked into the Republic of Korea for purposes of marriage and exploitation. It is also concerned at the prevalence of domestic violence in such marriages.

415. **The Committee urges the State party to speedily enact the draft law to regulate the activities of marriage brokers and to develop additional policies and measures to protect foreign women from exploitation and abuse by marriage brokers and traffickers, and by their spouses. The Committee recommends the State party provide women with viable avenues of redress against abuse by their husbands and permit them to stay in the country while seeking redress. The Committee further recommends the State party make foreign women aware of their rights and avenues of redress, including measures available for protection and prevention against domestic violence.**

416. While noting the adoption of laws and plans to increase women's participation in public and political life, such as the Political Party Act and the five-year plan for expansion of women managers in public positions, the Committee is concerned that women continue to be underrepresented in politics, especially in decision-making in many areas, including in the National Assembly, in the Government at all levels, the judiciary, the foreign service, academia and the private sector.

417. **The Committee encourages the State party to intensify its efforts and to take sustained measures, including further temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25, in order to accelerate the increase in the representation of women in elected and appointed bodies in all areas of public life, including in academia and the private sector. It also recommends that the State party expand its current training programmes on leadership and negotiation skills for current and future women leaders. It further recommends the State party continue its efforts to raise awareness of the importance of women's full and equal participation in decision-making at all levels for society as a whole. It requests the State party to carefully monitor the effectiveness of measures taken and results achieved and to report thereon in its next periodic report.**

418. The Committee notes with concern the persistence of patriarchal attitudes and deep-rooted stereotypes regarding the roles and responsibilities of women and men in the family and in society, especially in rural areas, which are reflected in women's academic and professional choices, their limited participation in public and political life and in their disadvantaged position in the labour market. The Committee is also concerned that these stereotypes are a root cause of violence against women.

419. **The Committee calls upon the State party to take sustained and systematic measures to overcome persistent and deep-rooted stereotypes that are discriminatory to women. Such measures should include awareness-raising and**

public educational campaigns, aimed in particular at men and boys, including women and girls, with a view to eliminating stereotypes associated with traditional gender roles in the family and in society, in accordance with articles 2 (f) and 5 (a) of the Convention. The Committee calls upon the State party to specifically target rural areas in the implementation of such measures and to regularly monitor and evaluate their impact. The Committee calls on the State party to further encourage diversification of the educational choices of boys and girls, bearing in mind their subsequent opportunities and chances in the labour market. It also calls upon the State party to address stereotypes, the unequal power relations between women and men and women's position of inferiority, which perpetuate discrimination against women, including violence against women. The Committee recommends that the State party encourage the media to project a positive image of women and of the equal status and responsibilities of women and men in the private and public spheres.

420. While welcoming the measures aimed at improving the situation of women in the labour market, such as the comprehensive plan for the development of women's resources, the female employment expansion measures and the amended Equal Employment Act, the Committee is concerned about the serious disadvantages women face, including the concentration of women in certain low-wage sectors, the high percentage of women in non-regular work, the various flexible forms of work, such as outsourcing and contracting out, and the related lack of job security and benefits, as well as the significant wage gap between men and women. The Committee is also concerned about the insufficient compliance with existing labour legislation and about the practices of companies that circumvent the law denying women workers job security. In particular, the Committee is concerned about the lack of effective monitoring mechanisms and complaints procedures for women to claim their rights. It is also concerned that women may be reluctant to seek remedies for cases of sexual harassment at the workplace.

421. **The Committee urges the State party to accelerate and ensure equal opportunities for women and men in the labour market. It calls on the State party to introduce temporary special measures, in accordance with article 4, paragraph 1, of the Convention and its general recommendation 25. It encourages the State party to take measures to eliminate occupational segregation, in particular through education and training. The Committee further urges the State party to diligently monitor the situation of women in the labour market and to increase the number of women in regular work by ensuring that enterprises provide more opportunities for women to gain access to full-time and regular employment and by extending benefits to non-regular workers, the majority of whom are women. The Committee calls upon the State party to enforce the provisions of the Equal Employment Act in regard to equal pay for work of equal value. The Committee also calls upon the State party to ensure that effective monitoring mechanisms are in place to achieve compliance with existing legislation, and that there are procedures in place for women to file complaints of violations of their labour rights. The Committee calls upon the State party to ensure availability of remedies and to make women aware of their rights and of available remedies in order that they can have access to justice and can claim their rights. The Committee also calls upon the State party to take effective measures to support the reconciliation of family and**

work responsibilities and to promote the sharing of domestic and family responsibilities between women and men.

422. The Committee expresses its concern about the fact that many women depend on working members of their families for access to health services and about the high rate of abortion among women between the ages of 20 and 24. The Committee is also concerned about the possible inadequate protection of women's reproductive health and rights in the use of biotechnology.

423. **The Committee requests the State party to monitor the access of all women to health services and to take appropriate action. It urges the State party to strengthen measures aimed at the prevention of unwanted pregnancies including enhanced programmes of sexual and reproductive health education, and to specifically target women between the ages of 20 to 24. The Committee recommends that the donation or harvest of eggs from women for reproductive or research purposes be legally regulated, in order to protect human rights of women involved in the application of biotechnology, and regularly monitored in terms of both quality of care and the observance of legal and ethical standards. The Committee calls upon the State party to amend without delay the Act on Bioethics and Biosafety to include a requirement of informed, free and written consent in cases of donation or harvest of eggs for reproductive or research purposes. The Committee also calls on the State party to make full use of the Committee's general recommendation 24 on women and health as a framework in the development of gender- and age-sensitive health policies and programmes.**

424. The Committee expresses its concern about the feminization of poverty in certain groups of women, particularly the prevalence of poverty among female-headed households.

425. **The Committee requests the State party to analyse the situation and to take concrete measures to address the problem of the feminization of poverty comprehensively in its national development plans and policies. It requests the State party to monitor the effectiveness of measures taken and results achieved and to report thereon in its next periodic report.**

426. The Committee is concerned that the Civil Act fails to ensure equality for women in the dissolution of marriage, as reflected in the lack of women's rights to an equal share of assets accumulated during marriage if those assets have been registered in the name of one spouse only.

427. **The Committee recommends that the State party review the Civil Act and make necessary amendments, in the light of article 16 of the Convention and the Committee's general recommendation 21 on equality in marriage and family relations, in order to give women equal rights to assets accumulated during the marriage.**

428. While noting that an amendment to the Civil Act to bring the legal age of marriage into compliance with the Convention is before the National Assembly, the Committee notes with concern that the minimum legal age of marriage remains at 16 for females and 18 for males.

429. **The Committee urges the State party to work towards the speedy enactment of the amendment of the Civil Act to raise the minimum legal age of**

marriage for girls to 18 in order to bring it into line with article 16, paragraph 2, of the Convention, the Committee's general recommendation 21 and the Convention on the Rights of the Child.

430. **The Committee urges the State party, in its implementation of the obligations under the Convention, to utilize fully the Beijing Declaration and Platform for Action, which reinforce the provisions of the Convention, and requests the State party to include information thereon in its next periodic report.**

431. **The Committee also emphasizes that full and effective implementation of the Convention is indispensable for the achievement of the Millennium Development Goals. It calls for the integration of a gender perspective and the explicit reflection of the provisions of the Convention in all efforts aimed at the achievement of the Millennium Development Goals and requests the State party to include information thereon in its next periodic report.**

432. **The Committee notes that the adherence of the State party to the seven major international human rights instruments enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. The Committee therefore encourages the Government of the Republic of Korea to consider ratifying the treaty to which it is not yet a party, namely, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.**

433. **The Committee requests the wide dissemination in the Republic of Korea of the present concluding comments in order to make the people, including government officials, politicians and parliamentarians, and women's and human rights organizations aware of the steps that have been taken to ensure de jure and de facto equality of women and of the further steps that are required in that regard. The Committee requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Convention, its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".**

434. **The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report under article 18 of the Convention, which is due in January 2010.**

9. Combined fifth and sixth periodic report

Kenya

435. The Committee considered the combined fifth and sixth periodic report of Kenya (CEDAW/C/KEN/6) at its 799th and 800th meetings, on 27 July 2007 (see CEDAW/C/SR.799 (B) and 800 (B)). The Committee's list of issues and questions is contained in CEDAW/C/KEN/Q/6 and the responses of Kenya are contained in CEDAW/C/KEN/Q/6/Add.1.

Introduction

436. The Committee expresses its appreciation to the State party for its combined fifth and sixth periodic report, which followed the Committee's guidelines for the preparation of reports. The Committee expresses its appreciation to the State party for the oral presentation, the written replies to the list of issues and questions raised by its pre-session working group and the further clarifications to the questions orally posed by the Committee.

437. The Committee commends the State party for its delegation, headed by the Assistant Minister of Gender, Sports, Culture and Social Services, which included representatives of different government departments with expertise in a broad range of areas covered by the Convention. The Committee appreciates the frank and constructive dialogue that took place between the delegation and the members of the Committee.

438. The Committee notes with appreciation that the report was prepared in a participatory process involving government bodies and non-governmental organizations. The Committee also appreciates the fact that the Government has held workshops with a range of governmental bodies and non-governmental organizations on the implementation of the concluding comments subsequent to the consideration of Kenya's combined third and fourth periodic report in 2003 (see A/58/38).

Positive aspects

439. The Committee commends the State party for implementing free and compulsory primary education since 2003.

440. The Committee commends the State party on the passage of the Children's Act 2001, which prohibits female genital mutilation and forced and early marriages of minors.

441. The Committee welcomes the State party's attention to people with disabilities, as reflected in the enactment of the Persons with Disabilities Act (Chap. 14 of the Laws of Kenya) (2003) and the establishment of the Council of Persons with Disabilities.

442. The Committee notes with appreciation the enactment of the Public Officers Ethics Act 2003, which prohibits sexual harassment in the workplace.

443. The Committee commends the State party on the establishment of the Constituency Development Fund aimed at improving the lives of rural women.

Principal areas of concern and recommendations

444. **While recalling the obligation of the State party to systematically and continuously implement all the provisions of the Convention, the Committee views the concerns and recommendations identified in the present concluding comments as requiring its priority attention between now and the submission of the next periodic report. Consequently, the Committee calls upon the State party to focus on those areas in its implementation activities and to report on action taken and results achieved in its next periodic report. It also calls upon the State party to submit the present concluding comments to all ministries and to Parliament in order to ensure their full implementation.**

445. While noting attempts by the State party to adopt a new constitution that would remove discriminatory provisions against women, the Committee is deeply concerned that article 82 (4 (b) and (c)) of the Constitution of Kenya remains, which provides that the Constitution's guarantee of non-discrimination does not apply with respect to personal laws, in particular in the areas of marriage, divorce, adoption, burial and succession. The Committee is also concerned about article 90 of the Constitution, which stipulates that the father's citizenship determines acquisition of citizenship by birth in marriage. The Committee notes that these provisions discriminate against women and are incompatible with the Convention. The Committee also notes with concern that the Convention has not been fully incorporated into the domestic legal system.

446. **The Committee urges the State party to adopt amendments to the Constitution without delay that would repeal articles 82 (4 (b) and (c)) and 90 of the Constitution, as well as other discriminatory provisions, in order to guarantee equal rights of women and men in line with articles 2 (a) and 9 of the Convention. The Committee encourages the State party to proceed without delay with the full incorporation of the Convention into the domestic legal system.**

447. The Committee is concerned that although Kenya ratified the Convention in March 1984, a definition of discrimination against women in accordance with article 1 of the Convention, which prohibits direct and indirect discrimination, is yet to be incorporated in the Constitution or other appropriate legislation.

448. **The Committee calls on the State party to include in the Constitution or other appropriate legislation a definition of discrimination against women that encompasses both direct and indirect discrimination in line with article 1 of the Convention.**

449. The Committee is concerned that the Convention has yet to be given central importance in the preparation of laws and policy for the elimination of all forms of discrimination against women and the achievement of gender equality.

450. **The Committee requests the State party to base its efforts to achieve gender equality and the advancement of women on the comprehensive scope of the Convention. It encourages the State party to reflect the scope of the Convention in appropriate legislation and in all Government plans and policies across all sectors and levels.**

451. While welcoming the efforts of the State party to achieve legislative reform, specifically the work of the Kenya Law Reform Commission, the Committee is

concerned about the lack of priority given to comprehensive legal reform to eliminate sex-discriminatory provisions and close legislative gaps to bring the country's legal framework fully into compliance with the provisions of the Convention and to achieve women's de jure equality. The Committee is concerned, in particular, about the delay in the passage of the Domestic Violence (Family Protection) Bill, the Matrimonial Property Bill and the Equal Opportunity Bill, which has been under preparation in different forms since 1999.

452. **The Committee requests the State party to complete without delay, its legislative reform in order to ensure that all discriminatory legislation is amended or repealed to bring it into compliance with the Convention and the Committee's general recommendations. It encourages the State party to set a clear timetable for such reforms and in particular for the passage of the Domestic Violence (Family Protection) Bill, the Equal Opportunity Bill and the Matrimonial Property Bill. It urges the State party to raise the awareness of legislators about the need to give priority attention to such reforms in order to achieve de jure equality for women and compliance with the State party's international treaty obligations.**

453. While the Committee notes the State party's recognition of the need for effective national mechanisms by setting up the National Commission on Gender Equality and the Ministry of Gender, Sports, Culture and Social Services, the Committee is concerned about the possible fragmentation of efforts of these two institutions as well as their lack of resources. The Committee is also concerned that the Ministry of Gender, Sports, Culture and Social Services lacks the institutional authority, capacity and resources to effectively promote implementation of the Convention and coordinate the use of the gender mainstreaming strategy across all sectors and levels of Government, including in rural areas. The Committee is furthermore concerned that the institutional status of the Gender Department within the Ministry of Gender, Sports, Culture and Social Services may not be sufficient to exert adequate influence within the Government structure and act as an effective catalyst and advocate for gender equality.

454. **The Committee recommends that the State party expeditiously strengthen the national machinery, namely the National Commission on Gender and Development and the Ministry of Gender, Sports, Culture and Social Services, in order to ensure a strong institutional mechanism for the promotion of gender equality. In particular, the Committee urges the State party to provide the national machinery with the necessary authority and adequate human and financial resources to coordinate implementation of the Convention and work effectively for the promotion of gender equality.**

455. The Committee is concerned about the persistence of adverse cultural norms, practices and traditions as well as patriarchal attitudes and deep-rooted stereotypes regarding the roles, responsibilities and identities of women and men in all spheres of life. The Committee is concerned that such customs and practices perpetuate discrimination against women, and that they are reflected in women's disadvantageous and unequal status in many areas, including in public life and decision-making and in marriage and family relations, and the persistence of violence against women, and that, thus far, the State party has not taken sustained and systematic action to modify or eliminate stereotypes and negative cultural values and practices.

456. **The Committee requests the State party to view its cultures as dynamic aspects of the country's life and social fabric and as subject, therefore, to change. It urges the State party to put in place without delay a comprehensive strategy, including legislation, to modify or eliminate cultural practices and stereotypes that discriminate against women, in conformity with articles 2 (f) and 5 (a) of the Convention. Such measures should include efforts to raise awareness of this subject, targeting women and men at all levels of society, including traditional leaders, which should be undertaken in collaboration with civil society. The Committee urges the State party to address harmful cultural and traditional customs and practices, such as the use of the bride price and polygamy, more vigorously. The Committee encourages the State party to effectively use innovative measures to strengthen understanding of the equality of women and men and to work with the media to enhance a positive and non-stereotypical portrayal of women.**

457. The Committee is concerned about the prevalence of violence against women and girls, including cultural practices that constitute, or perpetuate, violence against women. While welcoming the enactment of the Children's Act (2001) which prohibits female genital mutilation, the Committee is concerned about the continued prevalence of the practice in some areas of the country and about its continued legality for women over 18 years of age, who are usually pressured or forced into undergoing the practice. The Committee is also concerned over the slow pace of work on the Domestic Violence (Family Protection) Bill that has been pending since 2002.

458. **The Committee urges the State party to give priority attention to combating violence against women and to adopt comprehensive measures to address all forms of violence against women and girls, in accordance with its general recommendation 19. It requests the State party to raise public awareness, through the media and education programmes, of the fact that all forms of violence against women, including female genital mutilation, are a form of discrimination under the Convention and therefore are in violation of women's rights. The Committee urges the State party to implement existing legislation prohibiting the practice of female genital mutilation and to adopt new legislation, as necessary, to eliminate this and other harmful traditional practices for all women. The Committee reiterates its previous recommendation (see A/58/38, para. 208) that the State party ensure the speedy enactment of the Domestic Violence (Family Protection) Bill and encourages Parliament to prioritize the Bill in order to ensure that women and girls who are victims of violence have access to immediate means of redress and protection and that perpetrators are effectively prosecuted and punished. The Committee requests the State party to remove any impediments women face in gaining access to justice and recommends that legal aid be made available to all victims of violence, including in rural or remote areas. The Committee recommends the implementation of training for the judiciary and public officials, in particular law enforcement personnel, and health-service providers in order to ensure that they are sensitized to all forms of violence against women and can provide adequate support to victims.**

459. While commending the State party for its efforts to host refugees from neighbouring countries, the Committee expresses concern about the lack of information provided by the State party about refugee women in camps in Kenya

and about internally displaced people, many of whom are women. The Committee is particularly concerned at information about women's inadequate protection from and redress for all forms of violence in communities of refugees and internally displaced people and the apparent impunity of the perpetrators of such violence.

460. **The Committee requests the State party to provide in its next report comprehensive information on the situation of refugee and internally displaced women in Kenya, in particular in respect to the means used to protect these women from all forms of violence and the mechanisms available for redress and rehabilitation. It further urges the State party to take steps to investigate and punish all perpetrators of violence against refugees and internally displaced women. It also encourages the State party to continue to collaborate with the international community, especially the Office of the United Nations High Commissioner for Refugees (UNHCR), in these efforts.**

461. The Committee is concerned about the under-representation of women in political and public life, in particular in Parliament (where women represent 4.8 per cent of elected members of Parliament), government ministries (where women make up 5.8 per cent of ministers), the Court of Appeal (where there are no women judges), the diplomatic service (where women make up 27 per cent of ambassadors and high commissioners) and in appointed decision-making bodies, in particular at decision-making levels.

462. **The Committee requests the State party to strengthen and implement measures to increase the number of women in elected and appointed office, including the judiciary, in order to enhance compliance with articles 7 and 8 of the Convention. The Committee recommends that the State party fully utilize general recommendation 23, concerning women in public life. It calls on the State party to use temporary special measures, in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25, in order to accelerate women's full and equal participation in public and political life, in particular at high levels of decision-making. It also recommends speedy adoption of the Political Parties Bill, which would provide incentives to achieve greater gender balance in leadership positions of political parties. It suggests the implementation of awareness-raising activities about the importance of women's participation in decision-making for society as a whole; and the development of targeted training and mentoring programmes for women candidates and women elected to public office. It further recommends that the State party offer training programmes on leadership and negotiation skills for current and future women leaders. The Committee urges the State party to carefully monitor the effectiveness of measures taken and results achieved and to report thereon in its next periodic report.**

463. While welcoming the measures undertaken to combat trafficking in human beings such as the establishment of an anti-trafficking police unit, the Committee remains concerned about the persistence of trafficking and the exploitation of women and girls in the country. In particular, the Committee expresses concern about the trafficking and sexual exploitation of girls stemming from poverty and from their need to provide support to their families. It is also concerned about the growing phenomenon of sex tourism in the country leading to increased child prostitution, especially of young girls and women from disadvantaged backgrounds.

The Committee is also concerned that while prostitution in Kenya is illegal, only prostitutes and not clients are subject to prosecution.

464. **The Committee calls upon the State party to expedite the adoption of the revised draft Trafficking in Persons Bill and urges the State party to ensure that this bill includes prevention measures and provides for the effective prosecution and punishment of traffickers and protection and support for victims. It recommends that the State party address the root causes of trafficking in order to eliminate the vulnerability of girls and women to exploitation and traffickers and to undertake efforts for the rehabilitation and social integration of women and girls who are victims of exploitation and trafficking. The Committee also calls upon the State party to implement measures aimed at combating sex tourism, including in cooperation with tourists' countries of origin. The Committee calls on the State party to review its laws on prostitution in order to ensure that women in prostitution are not criminalized and to enhance its efforts to support women who wish to leave prostitution.**

465. The Committee is concerned that the Constitution does not provide equal citizenship rights for women. The Committee is particularly concerned that Kenyan men may confer citizenship to their wives and children while Kenyan women do not enjoy the same right. The Committee is also concerned that children born to Kenyan mothers abroad have to apply for citizenship and are given entry permits of limited duration only, while no such restrictions apply to children of Kenyan fathers born to non-Kenyan mothers. The Committee is further concerned that single women must obtain their father's consent to obtain passports and those who are married must obtain their husband's consent.

466. **The Committee requests the State party to amend without delay articles 90 and 91 of the Kenyan Constitution as well as the Kenya Citizenship Act (Chap. 70 of the Laws of Kenya) in order to bring them fully into compliance with article 9 of the Convention. The Committee also requests that the State party repeal without delay measures requiring women to obtain a father's or a husband's consent to obtain a passport.**

467. While welcoming the significant progress made in the area of education through the provision of free and compulsory primary education, the Committee expresses concern about the marked difference in the quality of and access to education between urban and rural or remote areas, the disparity in enrolment rates between young women and young men in public universities and the lower transition rate for girls from primary to secondary school as compared to that of boys. The Committee is also concerned about traditional attitudes that constitute obstacles to girls' education, as well as girls' drop-out rates due to pregnancy and early and forced marriage. The Committee notes that education is a key to the advancement of women and that the low level of education of women and girls remains one of the most serious obstacles to their full enjoyment of their human rights.

468. **The Committee urges the State party to enhance its compliance with article 10 of the Convention and to raise awareness in society of the importance of education as a human right and basis for the empowerment of women. It encourages the State party to take steps to overcome traditional attitudes that in some areas constitute obstacles to girls' and women's education. The**

Committee commends the State party on its plans to introduce free secondary education in 2008 and recommends that the State party implement measures to ensure equal access of girls and women to all levels of education, retain girls in school and strengthen the implementation of re-entry policies so that girls return to school after giving birth. The Committee requests the State party to provide information on the measures taken and on their impact in its next report.

469. The Committee regrets the lack of data on the situation of women in the labour force, which prevented it from obtaining a clear picture with regard to women's participation in the labour force in urban and rural areas, the wage gap, vertical and horizontal labour force segregation and women's ability to benefit from new economic opportunities. The Committee notes that the pending Employment Bill would provide for equal remuneration for men and women for work of equal value. The Committee also notes with concern the legal restrictions that persist with respect to women's working hours in industrial businesses.

470. **The Committee requests the State party to ensure equal opportunities for women in the labour market, in accordance with article 11 of the Convention. It calls on the State party to ensure that employment legislation applies to and is enforced in the public and private sectors. The Committee urges the speedy adoption of the Employment Bill currently pending in Parliament. It calls on the State party to provide, in its next report: detailed information, including data disaggregated by sex; analysis on the situation of women in the field of employment, in both the formal and informal sectors, and trends over time; information about measures taken and their impact on realizing equal opportunities for women in the world of work, including in new fields of employment and entrepreneurship. The Committee also requests the State party to provide in its next periodic report detailed information about: legal provisions and their monitoring and enforcement; equal pay for work of equal value; and complaints mechanisms and statistical information concerning their use by women and their outcomes. The Committee also calls upon the State party to re-examine the work restrictions in line with article 11 (3) of the Convention.**

471. While welcoming the introduction of free antenatal services for pregnant women, the Committee expresses its concern that the maternal mortality rate, including deaths resulting from unsafe abortions, and the infant mortality rate remain high. The Committee is deeply concerned about women's lack of access to quality sexual and reproductive health services and that the existing sex education programmes are not sufficient and may not give enough attention to prevention of early pregnancy and the control of sexually transmitted infections. It is also concerned that negative attitudes of health workers may be an impediment to women's access to health-care services. The Committee is further concerned about the unmet demand for family planning services and the low level of contraceptive use.

472. **The Committee recommends that the State party step up its efforts to reduce the incidence of maternal and infant mortality. It urges the State party to make every effort to raise awareness of and increase women's access to health-care facilities and medical assistance by trained personnel, especially in rural areas. The Committee urges the State party to ensure that health workers**

adopt a client-friendly attitude that will lead to improved access to quality health care. It also recommends the adoption of measures to increase knowledge of and access to affordable contraceptive methods, so that women and men can make informed choices about the number and spacing of children, and access to safe abortion. It further recommends that sex education be widely promoted and targeted at adolescent girls and boys, with special attention to the prevention of early pregnancy and the control of sexually transmitted infections. The Committee recommends that the State party continues to seek financial and technical support from the international community in order to implement measures to improve women's health.

473. While noting the recent decline in HIV prevalence and appreciating the existing programmes and the State party's priority attention to addressing the HIV/AIDS pandemic, including the development of the Kenya National HIV/AIDS strategic plan and the adoption of the HIV/AIDS Prevention and Control Act, the Committee is concerned that the State party still faces a serious epidemic, especially among young women. It is concerned that current policies and legislation do not adequately take into account gender-specific vulnerabilities and do not protect the rights of women and girls affected by HIV/AIDS. The Committee is especially concerned that the persistence of unequal power relations between women and men and the inferior status of girls and women hamper their ability to negotiate safe sexual practices and increases their vulnerability to infection. The Committee is further concerned about the number of child-headed households of orphans of the HIV/AIDS crisis, where girls have disproportionate responsibilities that make them vulnerable to HIV/AIDS and prostitution.

474. **The Committee recommends continued and sustained efforts to address the impact of HIV/AIDS on women and girls, as well as its social and family consequences. It urges the State party to enhance its focus on women's empowerment and to include clearly and visibly a gender perspective in its policies and programmes on HIV/AIDS. The Committee further urges the State party to take measures to address the situation of child-headed households and to report on measures taken and results achieved in its next report.**

475. The Committee remains concerned about the disadvantaged position of rural women, in particular with regard to the ownership of land, as reflected in the low percentage of women who own or inherit land. It is also concerned about the slow progress towards the finalization and subsequent enactment of the draft National Land Policy, which is aimed at eliminating discrimination against women with respect to access to and ownership of land. In addition, it is concerned about women's limited knowledge of their property rights and their lack of capacity to claim them.

476. **The Committee urges the State party to take appropriate measures to eliminate all forms of discrimination against women with respect to ownership and inheritance of land. The Committee urges the State party to place high priority on implementing legislative reforms and, in particular, to complete the process towards adoption of the draft National Land Policy. It invites the State party to enhance women's, especially rural women's, awareness of their land and property rights through legal literacy programmes and extension services. It encourages the State party to expand legal assistance to rural women wishing to bring claims of discrimination. The Committee requests the State party to**

include in its next report comprehensive data on the situation of rural women in all areas covered by the Convention, including the causes for the low percentage of women, as compared to men, who own land, and on efforts by the State party to increase this percentage.

477. The Committee is concerned about the multiple marriage regimes that apply in the State party and the discriminatory provisions that persist in the laws governing marriage and family relations. It is particularly concerned that customary law and the Mohammedan Marriage and Divorce Act allow polygamy. The Committee is furthermore concerned that, although the Children's Act sets the minimum age of marriage at 18 years, child marriages continue to take place. The Committee expresses its concern that in cases where parents were not married at the time of the child's birth and have subsequently not married, legal responsibility for the upbringing of the child falls solely on the mother, as affirmed in a court decision of 2002.

478. **The Committee urges the State party to harmonize civil, religious and customary law with article 16 of the Convention and to complete its law reform in the area of marriage and family relations in order to bring its legislative framework into compliance with articles 15 and 16 of the Convention, within a specific time frame. It also calls on the State party to effectively enforce the Children's Act prohibiting child marriages. The Committee calls upon the State party to implement measures aimed at eliminating polygamy, as called for in the Committee's general recommendation No. 21 on equality in marriage and family relations. The Committee recommends that the State party strengthen measures to ensure that fathers contribute to the upbringing of their children born out of wedlock. The Committee requests that information be provided in the next report about the situation of older women and women with disabilities.**

479. **The Committee encourages the State party to ratify the Optional Protocol to the Convention.**

480. **The Committee urges the State party, in its implementation of its obligations under the Convention, to fully utilize the Beijing Declaration and Platform for Action, which reinforce the provisions of the Convention, and requests the State party to include information thereon in its next periodic report.**

481. **The Committee also emphasizes that a full and effective implementation of the Convention is indispensable for achieving the Millennium Development Goals. It calls for the integration of a gender perspective and explicit reflection of the provisions of the Convention in all efforts aimed at the achievement of the Millennium Development Goals and requests the State party to include information thereon in its next periodic report.**

482. **The Committee notes that the adherence of the State party to the seven major international human rights instruments enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life.**[1] **The Committee therefore encourages the Government of Kenya to consider ratifying the treaty to which it is not yet a party, that is, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.**

483. The Committee requests the wide dissemination in Kenya of the present concluding comments in order to make the people, including government officials, politicians, parliamentarians and women's and human rights organizations, aware of the steps that have been taken to ensure de jure and de facto equality of women, as well as the further steps that are required in that regard. The Committee requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly on the theme "Women 2000: gender equality, development and peace for the twenty-first century".

484. The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report under article 18 of the Convention, which is due in April 2009.

10. Sixth periodic reports

Brazil

485. The Committee considered the sixth periodic report of Brazil (CEDAW/C/BRA/6) at its 795th and 796th meetings, on 25 July 2007 (see CEDAW/C/SR.795 (B) and 796 (B)). The Committee's list of issues and questions is contained in CEDAW/C/BRA/Q/6 and the responses of the Government of Brazil are contained in CEDAW/C/BRA/Q/6/Add.1.

Introduction

486. The Committee expresses its appreciation to the State party for its sixth periodic report, which followed the Committee's guidelines for the preparation of reports and took into account the Committee's previous concluding comments. The Committee commends the State party for the written replies to the list of issues and questions raised by the pre-session working group, and for the oral presentation, which elaborated on the recent developments in the implementation of the Convention in Brazil.

487. The Committee commends the State party on sending a high-level delegation headed by the Minister of the Special Secretariat of Policies for Women, and including other representatives of the Special Secretariat of Policies for Women and representatives of the Ministries of Agrarian Development, External Relations, Health and Justice. The Committee expresses its appreciation for the constructive dialogue held between the delegation and the members of the Committee.

488. The Committee welcomes the State party's recognition of the active contribution of the women's movement in Brazil and its cooperation with non-governmental organizations in striving to achieve gender equality.

Positive aspects

489. The Committee commends the State party for its sustained political will and commitment to eliminating discrimination against women, as expressed in significant legal reform, policies, plans and programmes and the establishment of decentralized gender equality mechanisms.

490. The Committee commends the State party on its progressive efforts to bring legislation in line with the principle of equality between women and men in the Constitution and the Convention, in particular Law 11340 (The Maria da Penha Law) of 7 August 2006 on domestic and family violence against women as well as the new Civil Code (2003), Law 11106 of 28 March 2005 amending the Penal Code, other legislation relating to employment, maternity and health issues and several legislative initiatives at state level in different areas.

491. The Committee welcomes the many and varied policies, plans and programmes in critical areas of women's lives, such as eradication of poverty, economic autonomy, violence against women, sexual violence against children and adolescents, trafficking in persons, sexual and reproductive health and HIV/AIDS prevention.

492. The Committee commends the State party on its strategy to encourage the establishment of institutional mechanisms for monitoring and implementing gender equality policies at state and municipal levels.

493. The Committee commends the State party on its engagement in full participatory processes to define its priorities and elaborate proposals for gender equality policies, such as the First National Conference on Women, held in July 2004, and the Second National Conference, scheduled for August 2007.

Principal areas of concern and recommendations

494. **While recalling the State party's obligation to systematically and continuously implement all the provisions of the Convention, the Committee views the concerns and recommendations identified in the present concluding comments as requiring the State party's priority attention between now and the submission of the next periodic report. Consequently, the Committee calls upon the State party to focus on those areas in its implementation activities and to report on actions taken and concrete results achieved in its next periodic report. It also calls upon the State party to submit the present concluding comments to all relevant ministries, other government structures at all levels and to Parliament, in order to ensure their full implementation.**

495. The Committee is concerned about the persistent gap between the de jure and de facto equality of women and men, particularly among the most vulnerable sectors of society, such as women of African descent and indigenous women, and other marginalized groups, which is exacerbated by regional, economic and social disparities.

496. **The Committee encourages the State party to enhance its efforts to close the gap between de jure and de facto equality of women and men by ensuring full implementation of laws, plans and policies and through regular, effective monitoring and impact assessment, especially in regard to the most disadvantaged groups of women. It recommends that the State party ensure that those charged with responsibility for implementation of such laws and policies at all levels are fully aware of their obligations.**

497. The Committee is concerned about the difficulties experienced by the State party in implementing the provisions of the Convention at all levels of the Federal Republic in a consistent manner, which are linked to the different degree of political will and commitment of state and municipal authorities.

498. **The Committee notes the full responsibility of the State party, including all three branches of State power, and regardless of the State party's constitutional structure, to comply at all levels with its obligations under the Convention. It recommends that uniformity of standards and results in the implementation of the Convention be ensured throughout the country, including through the establishment of effective implementation mechanisms and coordination. It also recommends that all authorities at federal, state and municipal levels be fully aware of Brazil's international commitments under the Convention and in the area of human rights in general.**

499. The Committee is concerned that the provisions of the Convention have only rarely been invoked in court cases in recent years, which reveals a lack of knowledge about the Convention. It is also concerned about women's limited knowledge of their rights under the Convention and its Optional Protocol and related domestic legislation.

500. **The Committee calls upon the State party to ensure that the Convention and related domestic legislation are an integral part of the education and training of judicial officers, including judges, lawyers, prosecutors and public defenders, as well as of the curricula in universities, so as to establish firmly in the country a legal culture supportive of gender equality and non-discrimination. It further calls upon the State party to enhance women's awareness of their rights, including in remote areas and among the most disadvantaged groups, through legal literacy programmes and legal assistance so that they can claim all their rights under the Convention. It encourages the State party to further disseminate and raise awareness about the Convention and the Optional Protocol among the general public so as to create awareness of women's human rights.**

501. The Committee is concerned at the fragile nature and capacity of the gender equality mechanisms established in some states and municipalities in respect of their mandated coordination and monitoring functions. The Committee is also concerned that the human and financial resources of the Special Secretariat of Policies for Women may not be commensurate with its mandate.

502. **The Committee recommends that the State party strengthen the gender equality mechanisms, both at the federal level and those established in states and municipalities, with sufficient human and financial resources and technical capacity-building activities so that they can effectively undertake their mandated tasks.**

503. While recognizing the efforts being undertaken, particularly in the educational sector, to deconstruct myths and negative stereotypes about the roles and responsibilities of women and men in the family and the wider community, the Committee is concerned about the prevalence of these stereotypes and the need to achieve further cultural change.

504. **The Committee calls upon the State party to implement comprehensive measures to accelerate change in the widely accepted attitudes and practices that trap women in subordinate roles and the stereotypical roles applied to both sexes. Such measures should include awareness-raising and educational campaigns addressing women and men, girls and boys, parents, teachers and public officials, in accordance with the obligations under articles 2 (f) and 5 (a) of the**

Convention. The Committee also recommends that the State party increase its efforts to encourage the media to discuss and promote non-stereotypical and positive images of women and promote the value of gender equality.

505. While commending the State party on the enactment of the important new domestic violence legislation, Law 11340 (The Maria da Penha Law) of 7 August 2006, as recommended by the Committee in its previous concluding comments, and various other measures taken by the State party to combat violence against women, the Committee is concerned that violence against women and girls is widespread and apparently underreported. It is also concerned that violence against women and girls is still not recognized by society as a whole as a human rights violation.

506. **The Committee urges the State party to continue to give priority to eliminating all forms of violence against women, including domestic violence, and to expeditiously adopt effective measures for the full implementation of the new legislation, such as the speedy creation of special courts on domestic violence against women throughout the country and the full involvement of all relevant actors, including non-governmental organizations, judicial officers and other professionals working to address violence against women. The Committee further recommends systematic monitoring and evaluation of the impact of Law 11340 (The Maria da Penha Law), including through collection of data, disaggregated by type of violence and by the relationship of the perpetrator to the victim. It also recommends further public awareness-raising campaigns on the unacceptability of violence against women as a human rights violation. The Committee encourages the State party to make full use of the Committee's general recommendation 19 and of the information contained in the Secretary-General's in-depth study on all forms of violence against women (A/61/122 and Add.1 and Add.1/Corr.1).**

507. While acknowledging measures taken by the State party to combat human trafficking, both internal and international, including its accession to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, and adoption of the National Policy for Fighting Trafficking in Persons by Decree No. 5948 of 27 October 2006, the Committee is concerned at the scope of the phenomenon, the insufficient number and quality of support services providing specialized care and skill in dealing with victims.

508. **The Committee calls upon the State party to effectively apply its anti-trafficking measures, fully implement its National Policy for Fighting Trafficking in Persons and complete, without delay, the elaboration of the national plan on trafficking in persons, which should include a gender, race and age dimension. The Committee requests the State party to consider adopting anti-trafficking legislation that would ensure adequate punishment of perpetrators and offer human rights-based protection and support to victims, including long-term reintegration programmes. The Committee also requests the State party to adopt measures aimed at reducing the vulnerability of women and girls to traffickers.**

509. The Committee is concerned that Law No. 9504 of 30 September 1997, which establishes a quota system, has proved to be inefficient and has had little if any impact on women's participation in political life. The Committee also remains concerned that women are still significantly underrepresented at all levels and

instances of political decision-making, including in elected bodies, at the highest levels of the judiciary, and in diplomacy.

510. **The Committee encourages the State party to take sustained legal and other measures to increase the representation of women in elected and appointed bodies and at the highest levels of the judiciary, and in diplomacy. It recommends that the State party introduce appropriate legal and other measures, including amending or replacing ineffective laws and adopting temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25 to increase the number of women in political and public positions within a concrete time frame in line with the Committee's general recommendation 23. The Committee recommends that the State party carry out awareness-raising campaigns among both men and women on the importance of women's full and equal participation in political and public life and in decision-making, as a necessary component of a democratic society, and create enabling, encouraging and supportive conditions for such participation.**

511. While acknowledging positive developments in the implementation of article 11 of the Convention, including the Gender Pro-Equity Programme, the Programme to Encourage Economic Autonomy for Women in the Work World and the Programme to Combat Poverty, the Committee is concerned at the discrimination faced by women in employment, as reflected in the enduring wage gap that increases with their level of education, occupational segregation and fewer opportunities for career advancement. The Committee is also concerned about the situation of women domestic workers, principally women of African descent, who have been generally excluded from the protection of labour law and are vulnerable to exploitation by their employers, including sexual abuse.

512. **The Committee recommends that the State party adopt policies and concrete measures to accelerate the eradication of pay discrimination against women and to work towards ensuring de facto equal opportunities for women and men in the labour market. It also recommends that further measures allowing for the reconciliation of family and professional responsibilities be adopted and implemented, including the provision of affordable childcare, and that the equal sharing of domestic and family tasks between women and men be promoted. The Committee calls on the State party to ensure that women domestic workers are duly protected against discrimination, exploitation and abuse. It recommends that Law 11324 (2006), which allows an employer of a domestic worker to take a tax deduction for a percentage of the social security contribution, be monitored and evaluated so as to determine whether this incentive has contributed significantly to the formalization of domestic work. It encourages the State party to adopt without delay Bill 7363/2006, which regulates domestic work and includes domestic workers in the Time-Served Guarantee Fund.**

513. While noting the steps taken by the State party to enhance women's health, including sexual and reproductive health, such as the National Policy for Sexual and Reproductive Rights (May 2006), the National Pact for the Reduction of Maternal Mortality and the Integrated Plan for Fighting the Feminization of HIV/AIDS and other Sexually Transmitted Diseases, the Committee is concerned that the rate of maternal mortality remains high, indicating precarious socio-economic conditions,

low levels of information and education, family dynamics associated with domestic violence and particularly difficult access to quality health services. It is also concerned about the magnitude of teenage pregnancy. The Committee is further concerned at the high number of unsafe abortions, the punitive provisions imposed on women who undergo abortions and the difficulties in accessing care for the management of complications arising as a result.

514. **The Committee encourages the State party to continue its efforts to enhance women's access to health care, in particular to sexual and reproductive health services, in accordance with article 12 of the Convention and the Committee's general recommendation 24 on women and health. It requests the State party to strengthen measures aimed at the prevention of unwanted pregnancies, including by increasing knowledge and awareness about, as well as access to, a range of contraceptives and family planning services. The Committee further requests the State party to monitor closely the implementation of the National Pact for the Reduction of Maternal Mortality at state and municipal levels, including by establishing maternal mortality committees where they still do not exist. The Committee recommends that the State party give priority attention to the situation of adolescents, and that it provide appropriate life skills education with special attention to the prevention of pregnancies and HIV/AIDS and other sexually transmitted diseases. The Committee further recommends to the State party to expedite the review of its legislation criminalizing abortion with a view to removing punitive provisions imposed on women who undergo abortion, in line with general recommendation 24 and the Beijing Declaration and Platform for Action.[2] The Committee also urges the State party to provide women with access to quality services for the management of complications arising from unsafe abortions.**

515. While noting measures taken to improve the situation of rural women and girls, including the establishment of a National Rural Working Women's Documentation Programme, the Committee is concerned about the scope of inequality and poverty of rural women, as reflected in their relatively high illiteracy rates, lower school enrolment, poor access to health care, including sexual and reproductive health, and vulnerability to violence. The Committee is also concerned about those rural women who still lack documentation, such as personal identity cards or personal registration numbers, which are necessary to benefit from social security and other programmes, such as the Family Grant Programme, as well as access to credit and ownership of land.

516. **The Committee urges the State party to ensure that all rural development policies and programmes integrate a gender perspective and explicitly address the structural nature of poverty faced by rural women. It recommends that the State party strengthen its efforts to implement comprehensive nationwide health and educational programmes, including programmes in the areas of functional literacy, enterprise development, skills training and microfinance, as a means of poverty alleviation. It also recommends that the State party continue to expand women's access to the National Agrarian Reform Programme and to ensure that the National Rural Working Women's Documentation Programme reaches all women in remote rural areas. The**

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[2] *Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995* (United Nations publication, Sales No. E.96.IV.13), chap. I, resolution 1, annexes I and II.

Committee encourages the State party to ensure that the situation of rural women is taken into account in efforts to eliminate women's vulnerability to violence.

517. While appreciating the explanation provided in the report and during the constructive dialogue on the use of the terms "equity" and "equality" and on the meaning attributed to each, and while recognizing the specificities of different languages, the Committee remains concerned at the State party's use of the term "equity" regarding women and men because it includes the subjective notions of comparability and equivalency, which might convey a misleading message, in view of the objective of the Convention, which is the practical realization of women's full de jure and de facto equality with men.

518. **The Committee encourages the State party to continue to reflect on this matter, while reiterating its view that what is at stake in the implementation of the Convention is the achievement of gender equality in its deepest sense, both legal/formal equality as well as real/substantive equality in all areas of life.**

519. The Committee is concerned at the lack of sufficient data about women of African descent, indigenous women and other vulnerable and marginalized groups, who often suffer from multiple forms of discrimination. The Committee notes that this lack of sufficient information and statistics has prevented it from forming a comprehensive picture of the de facto situation of these women in all areas covered by the Convention and the impact of governmental policies and programmes aimed at eliminating discrimination against them.

520. **The Committee requests the State party to enhance collection of data disaggregated by sex, race and age, where appropriate, in all areas covered by the Convention and to include adequate statistical data and analysis, disaggregated by sex, race and age, and by urban and rural areas, in its next report so as to provide a full picture of the implementation of all the provisions of the Convention. It also recommends that the State party regularly conduct impact assessments of its legislation, policies, plans and programmes to ensure that measures taken lead to the desired goals, and that it inform the Committee about the results achieved in the implementation of the Convention in its next report.**

521. **The Committee urges the State party to continue to utilize, in its implementation of its obligations under the Convention, the Beijing Declaration and the Platform for Action, which reinforce the provisions of the Convention, and requests the State party to include information thereon in its next periodic report.**

522. **The Committee also emphasizes that full and effective implementation of the Convention is indispensable for achieving the Millennium Development Goals. It calls for the integration of a gender perspective and explicit reflection of the provisions of the Convention in all efforts aimed at the achievement of the Goals and requests the State party to include information thereon in its next periodic report.**

523. **The Committee notes that the adherence of States to the seven major international human rights instruments[1] enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. The Committee therefore encourages the Government of Brazil to consider ratifying**

the treaty to which it is not yet a party, namely, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

524. **The Committee requests the wide dissemination in Brazil of the present concluding comments in order to make the people, including government officials, politicians, parliamentarians, magistrates, lawyers and women's and human rights organizations, aware of the steps that have been taken to ensure de jure and de facto equality of women, as well as the further steps that are required in that regard. The Committee requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Convention, its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and the Platform for Action and the outcome of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century" (resolution S-23/3, annex).**

525. **The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report under article 18 of the Convention, which is due in March 2009.**

Hungary

526. The Committee considered the sixth periodic report of Hungary (CEDAW/C/HUN/6) at its 801st and 802nd meetings, on 31 July 2007 (see CEDAW/C/SR.801 (A) and 802 (A)). The Committee's list of issues and questions is contained in CEDAW/C/HUN/Q/6, and the responses of the Government of Hungary are contained in CEDAW/C/HUN/Q/6/Add.1.

Introduction

527. The Committee expresses its appreciation to the State party for its sixth periodic report, which followed the Committee's guidelines for the preparation of reports. The Committee commends the State party for the written replies to the list of issues and questions raised by the pre-session working group and for the oral presentation and additional written information, which elaborated on the recent developments in the implementation of the Convention in Hungary.

528. The Committee commends the State party for its delegation, headed by the State Secretary for Equal Opportunities, Ministry of Social Affairs and Labour, and which included specialists from various ministries. The Committee appreciates the frank and constructive dialogue that took place between the delegation and the members of the Committee.

Positive aspects

529. The Committee commends the State party on the range of initiatives aimed at eliminating discrimination against women and promoting gender equality. In particular, it welcomes the adoption in 2003 of the Act on Equal Treatment and the Promotion of Equal Opportunities, and the establishment in 2005 of the Equal Treatment Authority, which is in charge of ensuring observance of the principle of equal treatment.

530. The Committee welcomes the ratification by the State party in December 2006 of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime. The Committee notes with satisfaction that the State party is in the process of preparing a draft national strategy to combat trafficking in human beings.

531. The Committee welcomes the measures taken by the State party to prevent cancer among women, in particular the screening programmes for breast, cervical and colon cancer.

Principal areas of concern and recommendations

532. **While recalling the State party's obligation to implement all the provisions of the Convention systematically and continuously, the Committee views the concerns and recommendations identified in the present concluding comments as requiring the State party's priority attention between now and the submission of the next periodic report. Consequently, the Committee calls upon the State party to focus on those areas in its implementation activities and to report on action taken and results achieved in its next periodic report. It calls on the State party to submit the present concluding comments to all relevant ministries and to Parliament in order to ensure their full implementation.**

533. The Committee is concerned that the State party has not implemented the Committee's recommendations, and specifically the recommendation to provide appropriate compensation to Ms. A.S., to review its domestic legislation pertaining to the principle of informed consent and ensure its conformity with international human rights and medical standards, and monitor public and private health centres which perform sterilization procedures, as contained in its views under the Optional Protocol to the Convention in respect of communication No. 4/2004, Ms. A.S. v. Hungary. The Committee is further concerned about the reasons given by the State party for non-payment of compensation to Ms. A.S. The Committee recalls that, in accordance with article 7 of the Optional Protocol, the State party is under an obligation to give due consideration to the views of the Committee, together with its recommendations.

534. **The Committee urges the State party to reconsider its stance on the Committee's views in respect of communication No. 4/2004, Ms. A.S. v. Hungary, and to provide appropriate compensation to Ms. A.S.**

535. The Committee is concerned that, although the Convention has been incorporated in domestic law, the Convention's provisions and the general recommendations of the Committee are not adequately used by the State party as a framework for all laws, policies and mechanisms aimed at achieving women's equality with men. The Committee is similarly concerned that the provisions of the Convention, the Optional Protocol and the general recommendations of the Committee are not sufficiently known, including by judges, ombudspersons, lawyers and prosecutors, and by women themselves.

536. **The Committee calls on the State party to take additional measures to ensure that the Convention is consistently used by the State party as a framework for all laws, policies and mechanisms aimed at achieving women's equality with men. The Committee calls on the State party to take additional**

measures to disseminate information about the Convention, the procedures under the Optional Protocol and the Committee's general recommendations, and to develop and systematically implement training programmes for prosecutors, judges, ombudspersons and lawyers that cover all relevant aspects of the Convention and the Optional Protocol. It also recommends that sustained awareness-raising and legal literacy campaigns targeting women, including rural women and non-governmental organizations working on women's issues, be undertaken to encourage and empower women to avail themselves of procedures and remedies for violations of their rights, including judicial procedures and recourse to the Equal Treatment Authority.

537. While noting the adoption in 2003 of the Act on Equal Treatment and the Promotion of Equal Opportunities, the Committee is concerned that there is no definition of discrimination against women in accordance with article 1 of the Convention in the Constitution or in the Act on Equal Treatment and the Promotion of Equal Opportunities. The Committee is concerned about the lack of information about the impact of the Act on the promotion of gender equality, as well as the insufficient use of the Equal Treatment Authority by women to address discrimination against women, including sexual harassment.

538. **The Committee recommends that a definition of discrimination against women in line with article 1 of the Convention be included in the Constitution or appropriate laws, such as the Act on Equal Treatment and the Promotion of Equal Opportunities. The Committee calls upon the State party to monitor, through measurable indicators, the impact of the Act on Equal Treatment and the Promotion of Equal Opportunities and of other laws, policies and action plans aimed at the promotion of gender equality, and the work of the Equal Treatment Authority, and to evaluate progress achieved towards the realization of women's substantive equality. The Committee requests the State party to include the results of such evaluation in its next report.**

539. The Committee is concerned that the national machinery for the advancement of women, i.e., the Department for Gender Equality, may lack sufficient authority, decision-making power and financial and human resources to coordinate effectively the Government's work to promote gender equality and the full implementation of the Convention, including coordination and cooperation with all other gender equality and human rights mechanisms at the national and local levels. The Committee is concerned that the restructuring of the Department for Gender Equality, as a department in the main Department of Equal Opportunities in the Ministry of Social Affairs and Labour, could reduce its importance and have negative implications for its ability to carry out its many tasks.

540. **The Committee recommends that the State party ensure that the national machinery for the advancement of women has the authority, decision-making power and human and financial resources that are necessary to work effectively for the promotion of gender equality and women's enjoyment of their human rights. This should include capacity for effective coordination, including mainstreaming of gender equality, and cooperation with the various gender equality and human rights mechanisms and with civil society.**

541. The Committee continues to be concerned about the persistence of patriarchal attitudes and deep-rooted stereotypes regarding the roles and responsibilities of women and men in the family and in society in Hungary, which are reflected in

women's educational choices, their situation in the labour market and their underrepresentation in political and public life and decision-making positions. The Committee is also concerned about the continuing stereotypical portrayal of women in the media and about the increase in the extent of pornography.

542. **The Committee encourages the State party to strengthen its efforts and take proactive measures to eliminate gender stereotyping. It recommends that awareness-raising campaigns be addressed to both women and men and that the media be encouraged to project positive images of women and the equal status and responsibilities of women and men in the private and public spheres. The Committee requests the State party to enhance the training of teaching staff in regard to gender equality issues. The Committee urges the State party to disseminate knowledge about the Convention and its concept of substantive gender equality through the educational system, with a view to changing existing stereotypical views on and attitudes towards women's and men's roles. The Committee calls on the State party to further encourage diversification of the educational choices of boys and girls. It urges the State party to develop and implement programmes aimed at counselling women and girls and men and boys on educational choices, bearing in mind their subsequent equal opportunities and chances in the labour market.**

543. While noting the development of the national strategy to prevent and effectively manage family violence and other measures that have been taken, including the creation of a free telephone service and the opening of some shelters for victims of domestic violence, the Committee continues to be concerned about the prevalence of violence against women in Hungary, including domestic violence. The Committee is concerned that the initiative to introduce restraining orders has not been effective in providing protection to women victims of domestic violence. The Committee continues to be concerned about the lack of a specific law on domestic violence against women which provides for effective protection of victims, including restraining orders, and their access to legal aid.

544. **The Committee urges the State party to implement effectively, with specified time frames, the national strategy to prevent and effectively manage family violence and to monitor its impact. The Committee calls upon the State party to ensure that all women who are victims of domestic violence, including rural women, have access to immediate means of redress and protection, including protection orders, and access to a sufficient number of safe shelters and legal aid. The Committee reiterates its recommendation that the State party elaborate a specific law on domestic violence against women which provides for such redress and protection. It calls on the State party to ensure that public officials, especially law enforcement personnel, the judiciary, health-care providers and social workers, are fully familiar with applicable legal provisions and are sensitized to all forms of violence against women and respond adequately to them. It urges the State party to work towards a comprehensive approach to preventing and addressing all forms of violence against women and to improve its research and data collection on the prevalence, causes and consequences of violence against women and to include the results of such research in its next periodic report.**

545. The Committee reiterates its concern that the Penal Code continues to treat sexual crimes as crimes against morality or crimes against decency, rather than as

violations of women's rights to bodily security and integrity. It reiterates its concern that the definition of rape is based on the use of force, rather than lack of consent, and that the age of consent continues to be 14 years. It also reiterates its concern that a minor between 16 and 18 years of age may legally marry.

546. **The Committee urges the State party to reform its law to define sexual crimes as crimes involving violations of women's rights to bodily security and integrity and that the State party define the crime of rape as sexual intercourse without consent. The Committee reiterates its recommendation that the age of consent be raised and that the State party incorporate the concept of statutory rape and prohibit sexual intercourse with underage girls. It reiterates its recommendation that the State party raise the legal age of marriage for women and men to 18 years, in line with article 16, paragraph 2, of the Convention on the Elimination of All Forms of Discrimination against Women, the Committee's general recommendation 21 and the Convention on the Rights of the Child.**

547. While noting the ratification by the State party in December 2006 of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, and the preparation of a draft national strategy to combat trafficking in humans, the Committee remains concerned about the persistence of trafficking in women and girls in Hungary.

548. **The Committee calls upon the State party to ensure that the definition of trafficking in its legislation and related policies and plans is in line with article 3 (a) of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime. The Committee calls upon the State party to accelerate the formulation of its national strategy to combat trafficking in human beings, to ensure the effective implementation, with specified time frames, of all measures taken to combat human trafficking and to ensure that an effective monitoring system is in place to track progress. The Committee urges the State party to collect and analyse data from the police and international sources, prosecute and punish traffickers, and ensure the protection of the human rights of trafficked women and girls. It also recommends that the State party address the root cause of trafficking by increasing its efforts to improve the economic situation of women, thereby eliminating their vulnerability to exploitation and traffickers, and take measures for the rehabilitation and social integration of women and girls who are victims of trafficking. The Committee requests the State party to provide, in its next report, comprehensive information and data on trafficking in women and girls, on the exploitation of prostitution and on the measures taken to prevent and combat such activities.**

549. While noting that the Equal Treatment Act allows for the application of temporary special measures and also noting the statement by the delegation that the Parliament will discuss at its autumn session a draft bill relating to list-based voting which is aimed at the introduction of a 50 per cent male/female quota for local and national list-based elections, the Committee is concerned about the continuing underrepresentation of women in public and political life and in decision-making positions, including in Parliament, government ministries and local government, as

well as in diplomacy. The Committee is also concerned about the low number of women professors among academic staff.

550. **The Committee encourages the State party to speedily adopt and implement the proposal aimed at having a 50 per cent male/female quota for local and national list-based elections. It further encourages the State party to take other sustained measures, including temporary special measures, in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendations 25 and 23, and as provided for in the Equal Treatment Act, to accelerate women's full and equal participation in elected and appointed bodies in all sectors and at all levels. Such measures should include the establishment of benchmarks, numerical goals and timetables, as well as training programmes on leadership and negotiation skills for current and future women leaders. The Committee urges the State party to adopt policies to increase the number of women professors among academic staff. It further urges the State party to undertake awareness-raising campaigns about the importance of women's participation in public and political life and at decision-making levels.**

551. The Committee continues to be concerned about the occupational segregation of women and men in the labour market, the gap between their wages and discrimination in hiring women of childbearing age or mothers with small children.

552. **The Committee recommends that efforts be strengthened to eliminate occupational segregation, both horizontal and vertical, and to adopt measures to narrow and close the wage gap between women and men by applying job evaluation schemes in the public sector connected with wage increases in sectors dominated by women. It also recommends that efforts be strengthened to ensure women's access to vocational training in all sectors. The Committee urges the State party to ensure the effective implementation of legislative provisions, including those in the Labour Code, on equal pay for work of equal value and on equal opportunities in employment. The Committee requests the State party to provide in its next report detailed information, including statistical data indicating trends over time, about the situation of women in the fields of employment and work in urban and rural areas and in the public, private, formal and informal sectors and about the impact of measures taken to realize equal opportunities for women. The Committee reiterates its recommendation that measures allowing for the reconciliation of family and professional responsibilities be strengthened and that the sharing of domestic and family tasks between women and men be promoted.**

553. While noting the screening programmes and other measures taken to prevent cancer among women, the Committee remains concerned about the high rates of mortality among women due to cancer. The Committee is also concerned that, while the abortion rate has decreased, it remains relatively high. It is further concerned that a comprehensive range of contraceptives is not widely available.

554. **The Committee urges the State party to take concrete measures to enhance and monitor access to health-care services for women, including in rural areas, in accordance with article 12 of the Convention and the Committee's general recommendation 24 on women and health. The Committee recommends the strengthening of measures to prevent breast, lung, cervical and colon cancer among women. It requests the State party to strengthen**

measures aimed at the prevention of unwanted pregnancies, including by making a comprehensive range of contraceptives more widely available, without any restriction, and by increasing knowledge and awareness about family planning. The Committee requests the State party to include in its next report further information on women's health and on the impact of measures it has taken to improve women's health, as well as information on women's access to health-care services, including family planning.

555. While noting the Programme for the Decade of Roma Inclusion 2005-2015, the Committee is concerned about the situation of Roma women and girls, who face multiple and intersecting forms of discrimination based on sex, ethnic or cultural background and socio-economic status. The Committee is also concerned that Roma women and girls remain in a vulnerable and marginalized situation and subject to discrimination, including with regard to education, health, housing, employment and participation in political, public and economic life. It is further concerned about the prevalence of violence against Roma women and girls, including harassment and abuse at school, as well as about the gaps in Roma women's formal education and the high rates of school dropout among Roma girls.

556. **The Committee urges the State party to take a holistic approach to eliminating the multiple and intersecting forms of discrimination that Roma women face and to accelerate their achievement of de facto equality through the effective coordination of all entities working on Roma, non-discrimination and gender equality issues. It urges the State party to implement targeted measures, within specific time frames, in all areas and to monitor their implementation. The Committee calls on the State party to ensure that a gender perspective is integrated into all aspects of the Programme for the Decade of Roma Inclusion 2005-2015. The Committee urges the State party to take concrete measures to overcome stereotypical attitudes towards Roma people, in particular Roma women and girls. It encourages the State party to organize training programmes for the police on Roma culture. The Committee also recommends that the State party address the high rate of unemployment among Roma women and adopt measures to enhance their participation in public life at all levels. The Committee recommends that the State party collect and make available statistical information pertaining to the education, health, employment and social, economic and political status of Roma women and girls, with a view to developing further specific policies to respond to their needs. The Committee requests the State party to report on the results achieved in its next periodic report.**

557. The Committee remains concerned about the limited information on the situation of rural women, including their access to adequate health-care services, education, credit, social security and other facilities, and their participation in decision-making.

558. **The Committee requests the State party to provide, in its next report, a comprehensive picture of the de facto situation of rural women in all areas covered by the Convention. It calls on the State party to ensure that a gender perspective is integrated in all rural development policies and plans.**

559. **The Committee encourages the State party to accept, as soon as possible, the amendment to article 20, paragraph 1, of the Convention concerning the meeting time of the Committee.**

560. **The Committee urges the State party to utilize fully, in its implementation of the obligations under the Convention, the Beijing Declaration and Platform for Action, which reinforce the provisions of the Convention, and requests the State party to include information thereon in its next periodic report.**

561. **The Committee also emphasizes that a full and effective implementation of the Convention is indispensable for achieving the Millennium Development Goals. It calls for the integration of a gender perspective and the explicit reflection of the provisions of the Convention in all efforts aimed at the achievement of the Millennium Development Goals, and requests the State party to include information thereon in its next periodic report.**

562. **The Committee notes that States' adherence to the seven major international human rights instruments[1] enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. Therefore, the Committee encourages the Government of Hungary to consider ratifying the treaty to which it is not yet a party, namely, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.**

563. **The Committee requests the wide dissemination in Hungary of the present concluding comments in order to make people, including government officials, politicians, parliamentarians and women's and human rights organizations, aware of the steps that have been taken to ensure the de jure and de facto equality of women, as well as the further steps that are required in this regard. The Committee requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Convention, its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".**

564. **The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report under article 18 of the Convention. The Committee invites the State party to submit its seventh periodic report, which was due in September 2006, and its eighth periodic report, which is due in September 2010, in a combined report in 2010.**

New Zealand

565. The Committee considered the sixth periodic report of New Zealand (CEDAW/C/NZL/6) at its 805th and 806th meetings, on 2 August 2007 (see CEDAW/C/SR.805 (B) and 806 (B)). The Committee's list of issues and questions is contained in CEDAW/C/NZL/Q/6 and the responses of the Government of New Zealand are contained in CEDAW/C/NZL/Q/6/Add.1.

Introduction

566. The Committee expresses its appreciation to the State party for its sixth periodic report, which followed the Committee's guidelines for the preparation of reports and covered steps taken in response to the Committee's previous concluding comments. The Committee notes that the report was candid and informative in reflecting the situation of women in New Zealand and that it demonstrated an

awareness of the challenges facing a multicultural and multilingual society. The Committee commends the State party for the written replies to the list of issues and questions raised by the pre-session working group, for the frank and detailed oral presentation, which provided updated information on the implementation of the Convention in New Zealand, and for its responses to the questions posed orally by the Committee.

567. The Committee congratulates the State party on its high-level delegation, headed by the Minister of Women's Affairs. The Committee appreciates the sincerity and quality of the constructive dialogue that took place between the delegation and the members of the Committee.

568. The Committee commends the State party for the withdrawal in July 2007 of its last reservation to the Convention, relating to the armed forces and law enforcement forces.

Positive aspects

569. The Committee commends the State party for its political will and its commitment, expressed during the oral presentation and constructive dialogue, to achieving de facto equality for all women and the full implementation of the provisions of the Convention, and to addressing the emerging and ongoing challenges facing women in the State party.

570. The Committee commends the State party for the adoption in 2004 of an Action Plan for New Zealand Women, which contributes to meeting its international obligations under the Convention and the Beijing Platform for Action.

571. The Committee welcomes the State party's efforts to implement programmes and services to support comprehensively women's participation in employment and achieving a work-life balance for women and families. In particular, the Committee commends the State party for the development of the "Working for Families" package of services, which provides subsidies and tax credits to assist families in meeting the costs of childcare, and for its programme providing 20 hours per week of free education for three- and four-year-old children.

572. The Committee commends the State party for establishing in 2005 the Taskforce for Action on Violence within Families, which brings together stakeholders from the Government, law enforcement and civil society to improve the way violence within families is addressed. The Committee notes with appreciation that the Taskforce produced its first report on violence within families in July 2006, which included a programme of action, collected preliminary data and highlighted the need for urgent action.

573. The Committee congratulates the State party for abolishing interest payments in its student loan scheme, addressing the Committee's concern in its previous concluding comments that the student loan scheme had a potentially unfavourable impact on women.

574. The Committee commends the State party for its commitment to cooperation and partnership with non-governmental organizations and for its recognition of their important role in policy development and the provision of services. The Committee also expresses its appreciation to the State party for funding representatives of non-governmental organizations to attend the thirty-ninth session of the Committee.

Principal areas of concern and recommendations

575. **While recalling the obligation of the State party to implement systematically and continuously all the provisions of the Convention, the Committee views the concerns and recommendations identified in the present concluding comments as requiring the State party's priority attention between now and the submission of its next periodic report. Consequently, the Committee calls upon the State party to focus on those areas in its implementation activities and to report on actions taken and results achieved in its next periodic report. It also calls upon the State party to submit the present concluding comments to all relevant ministries and to Parliament in order to ensure their full implementation.**

576. While the Committee appreciates the steps the State party has taken to bring its domestic laws into compliance with its obligations under the Convention, the Committee is concerned that the Convention has not been fully incorporated into domestic law. The Committee is concerned that, although the Human Rights Act of 1993 contains a prohibition against discrimination on the basis of sex and also contains references to maternity and childbearing, the legislation of the State party contains no explicit and comprehensive definition of discrimination against women, in accordance with article 1 of the Convention, encompassing direct and indirect discrimination.

577. **The Committee urges the State party to take steps to strengthen its prohibitions against direct and indirect discrimination against women in accordance with article 1 of the Convention. It also recommends that the State party undertake efforts to emphasize the comprehensive scope of the Convention in all its efforts aimed at the practical realization of the principle of equality between women and men.**

578. While the Committee welcomes the Human Rights Commission's appointment of an Equal Opportunity Commissioner to focus on gender equality concerns, the Committee is concerned that the Human Rights Commission, which plays a central role in the promotion and protection of human rights in New Zealand, has not fully integrated and mainstreamed gender perspectives and women's human rights into its action plans and activities. The Committee is further concerned that existing human rights monitoring and implementation mechanisms do not adequately or regularly integrate gender equality analyses. The Committee is also concerned that while all policy papers submitted to the Cabinet and Cabinet committees must include a statement regarding compliance with the Human Rights Act and the New Zealand Bill of Rights, gender impact statements are only required for papers submitted to the Cabinet Social Development Committee.

579. **The Committee urges the State party to put in place an effective strategy for mainstreaming gender perspectives into all national plans and institutions and to strengthen the linkages between the New Zealand Action Plan for Human Rights and the Action Plan for New Zealand Women, with a view to ensuring that the promotion and protection of women's human rights as enshrined in the Convention are integrated into all national human rights plans, programmes and actions. The Committee also recommends that the State party require gender impact statements for all policy papers submitted to the Cabinet and to all Cabinet committees.**

580. While noting with appreciation that the Action Plan for New Zealand Women of 2004 makes reference to the State party's international obligations under the Convention, the Committee is concerned that the Convention's objectives and substantive provisions are not fully taken into account or articulated in this Plan. It is also concerned that the Convention and the Optional Protocol are not widely known throughout the country and are not sufficiently utilized in policy development or in bringing cases related to discrimination against women.

581. **The Committee urges the State party to utilize fully the objectives and provisions of the Convention as a normative basis in the development or updating of its action plans for women. It also calls upon the State party to further publicize the Convention to the general public, particularly women, and to enhance legal education and training for lawyers, judges and law enforcement officers on the Convention and the procedures under its Optional Protocol. It also encourages the State party to disseminate the Optional Protocol in order to ensure that women are aware of this means of redress and can claim their rights under the Convention and the Optional Protocol.**

582. The Committee is concerned about gaps that remain in the protection of women against discrimination by private as well as public sector actors. In particular, the Committee is concerned about the lack of legal mechanisms to address discrimination against women by private actors in the area of employment in accordance with article 2 (e) of the Convention. The Committee expresses concern that while New Zealand law recognizes the principle of equal pay for work of equal value, the mechanisms for implementing this principle in the private sector, such as industry-wide job evaluations to ensure equal pay for women performing work of equal value, have been abolished and the Government lacks the authority to implement and enforce equal employment opportunity policies in the private sector.

583. **The Committee recommends that the State party enact and implement comprehensive laws guaranteeing the substantive equality of women with men in both the public and private sectors, especially in regard to equal pay and equal opportunity in employment. It also recommends that the State party include adequate sanctions for such acts of discrimination against women and ensure that effective remedies are available to women whose rights have been violated.**

584. While the Committee appreciates the State party's acknowledgement that temporary special measures are permitted under the Human Rights Act where they are considered to be the most effective means of meeting goals or proven needs, the Committee is concerned that the purpose and scope of temporary special measures, as called for under article 4, paragraph 1, of the Convention and the Committee's general recommendation 25, may not be properly understood in the State party, leading to a lack of use of such measures to promote de facto equality for women. The Committee notes that insufficient statistical data disaggregated by sex in all areas covered by the Convention makes it more difficult to assess accurately the situation and progress of different groups of women with regard to all areas covered by the Convention.

585. **The Committee recommends that the State party adopt and implement temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25, as part of a strategy necessary to accelerate the achievement of de facto equality between**

women and men. It calls upon the State party to consider using measures such as benchmarks, targets, recruitment and support programmes, incentives and quotas with regard to various articles of the Convention and to strengthen its system of data collection in all areas covered by the Convention, in order to enhance its knowledge base about the actual situation of different groups of women and to track trends over time. It also calls upon the State party to monitor, through measurable indicators, the impact of measures taken and progress achieved towards the realization of de facto equality for women. It encourages the State party to use these data and indicators in the formulation of laws, policies and programmes for the effective implementation of the Convention.

586. The Committee voices its concern that, apparently, there has been a climate change and "backlash" against the recognition and promotion of women's human rights in the State party, despite the persistence of inequality between women and men. The Committee is concerned that women, especially minority women, continue to be portrayed in a negative, inferior and stereotypical manner in the media and society. The Committee expresses concern that such attitudes and stereotypes present significant impediments to the implementation of the Convention and are a root cause of the disadvantaged position of women in a number of areas, including in the labour market and in political and public life.

587. **The Committee calls upon the State party to implement a national campaign on the importance of equality between women and men in a democratic society, to increase understanding of the meaning and content of the substantive equality of women and to eliminate negative stereotypes associated with men's and women's traditional roles in the family and in society at large, in accordance with articles 2 (f) and 5 (a) of the Convention. The Committee also recommends that the State party encourage the media to project non-stereotypical and positive images of women, including minority women, and promote the value of gender equality for society as a whole, including through further measures to sensitize members of the press, television and other media on gender equality issues. The Committee requests that the State party report on measures taken and their impact in its next report.**

588. While appreciating the steps taken by the State party, such as the establishment of the Taskforce for Action on Violence within Families and the 2006 report on violence within families, the Committee is concerned about the continued prevalence of violence against women, particularly Maori, Pacific and minority women, and the low rates of prosecution and convictions for crimes of violence against women. The Committee also remains concerned that analysis on issues relating to violence against women remains inadequate for the purposes of identifying the causes of violence against women, monitoring trends and evaluating the appropriateness and impact of policy and law enforcement efforts. The Committee also expresses concern that the number of protective orders granted to women is declining. The Committee calls upon the State party to consistently implement and enforce the Programme of Action on Violence within Families and to revise its Domestic Violence Act of 1995 in order to protect all women victims of violence, including Maori, Pacific, Asian, immigrant, migrant and refugee women, and women with disabilities. It calls upon the State party to ensure that all violence against women is effectively prosecuted and adequately punished in line with the Committee's general recommendation 19. The Committee recommends that training

be enhanced for the judiciary, public officials, law enforcement personnel and health-service providers in order to ensure that they can adequately respond to it. It calls on the State party to ensure that adequate data is collected on all forms of violence against women and urges the State party to conduct research on the prevalence, causes and consequences of violence against all groups of women to serve as the basis for comprehensive and targeted intervention. In particular, it encourages the State party to study the reasons for the decline in the issuance of protective orders and to consider putting in place additional protective measures for women, such as enabling the police to issue protective orders. It invites the State party to include information on the results of such measures in its next periodic report.

589. **The Committee is concerned that violence against women within families and illegal practices relating to marriage on the basis of culture and religion take place within immigrant communities and may not be adequately addressed because of the dependency and isolation of the women concerned.**

590. The Committee recommends that the State party undertake proactive outreach measures for the protection of women victims within immigrant communities and cooperate with non-governmental organizations providing services to these women.

591. **The Committee is concerned about the lack of information regarding the extent of trafficking in women and girls in New Zealand and the absence of measures taken to address this issue. The Committee is especially concerned that no cases of trafficking in women have been officially reported or prosecuted, despite indications of the existence of trafficking in women in New Zealand. The Committee also expresses concern about the lack of information regarding the nature and extent of prostitution in New Zealand, including about the implementation of the Prostitution Reform Act of 2003. The Committee is also concerned about the exploitation of migrant women and girls in prostitution and the sufficiency of measures to provide protection and assistance for migrant women.**

592. The Committee requests the State party to provide, in its next report, comprehensive information and data on trafficking in women and girls, on the number of prosecutions and convictions and on measures taken to combat such activities, including with respect to migrant women and girls, and the impact of such measures. It further calls upon the State party to provide a comprehensive assessment of the Prostitution Reform Act of 2003, including statistical data and steps and measures taken in response to the findings.

593. **While welcoming the recent ascension of women to the highest constitutional positions in New Zealand, the Committee is concerned that the number of women in local government and political decision-making positions is actually declining, and that women remain underrepresented in local government, district health boards, statutory boards and the judiciary. The Committee is also concerned that Maori, Pacific, Asian and other minority women are underrepresented at most levels of public and political life.**

594. The Committee requests the State party to take concrete action and establish goals and time frames to increase the number of women in decision-making positions at the local level, in civil service, political parties, district health boards, statutory boards and the judiciary. It also urges the State party to implement

measures to increase the participation of Maori, Pacific and minority women in political decision-making positions at all levels, including temporary special measures in accordance with the Committee's general recommendation 25.

595. **While the Committee commends the State party for its efforts to increase access to free education, the Committee is concerned about the access to education of low-income children and children living in rural areas. In particular, the Committee is concerned about information received that indicates that many schools are pressuring parents to make "donations" to the schools, often without adequately informing parents that such payments are voluntary. The Committee is concerned about the burden this places on low-income and single-parent families, and the disparate impact of these practices on women, who as a whole earn less than men and are more likely to be single parents.**

596. The Committee urges the State party to fund schools adequately and take measures to ensure that children from low-income families and families living in rural areas are not discriminated against in the provision of education. The Committee recommends that the State party undertake efforts to clarify and publicize the voluntary nature of payments requested by schools and monitor schools' practices regarding the collection of fees from parents. The Committee also encourages the State party to raise awareness of the importance of education as a fundamental human right and as a basis for the empowerment of women.

597. **The Committee is concerned about the disadvantaged situation of women, including Maori, Pacific and minority women, and the discrimination faced by women in employment, especially in the private sector where fewer equality provisions apply. In particular, the Committee is concerned about the increasing wage gap between women and men, the high levels of occupational segregation, the concentration of women in low-wage occupations and the very low rate of women's participation in management and decision-making positions in the private sector.**

598. The Committee requests the State party to take all appropriate measures, including temporary special measures and the strengthening of equality mechanisms, to address women's disadvantaged situation in the labour market, including the situation of Maori, Pacific and minority women. It recommends that efforts be intensified to eliminate occupational segregation, both horizontal and vertical, and to narrow and close the wage gap between women and men. It calls upon the State party to monitor the impact of measures taken and results achieved in both the public and private sectors and to report thereon in its next periodic report.

599. **While the Committee welcomes the measures taken by the State party to support women's participation in the labour force, the Committee is concerned that the rates of participation for mothers of young children and single mothers remain below the average for States members of the Organization for Economic Cooperation and Development. The Committee also expresses concern that seasonal and temporary workers remain ineligible for paid parental leave. The Committee is also concerned about the low rate of participation of men in paid parental leave programmes and about the barriers to access to childcare and parental leave policies faced by rural women, as well as Maori, Pacific and other minority women.**

600. The Committee requests that the State party act expeditiously to amend eligibility criteria to ensure that seasonal and temporary workers are eligible for paid parental leave. It also urges the State party to undertake further measures to increase the participation rate of mothers of young children and single mothers in the labour force by strengthening parental leave programmes for men and encouraging men to share child-rearing responsibilities with women. The Committee further requests that the State party analyse and assess the barriers that rural and Maori, Pacific and minority women face in accessing childcare and parental leave, and implement measures to reduce these barriers and increase their access to such services.

601. **While noting with appreciation the availability in the State party of comprehensive health coverage and free health services such as cancer screenings for women, the Committee is concerned that women of different ethnicities and rural women may not have equal levels of access to and utilization of health services. The Committee is also concerned about the disparity in the life expectancies of women of European descent and women from other ethnic groups. The Committee also expresses concern about the high rates of sexually transmitted diseases and teenage pregnancy.**

602. The Committee calls upon the State party to improve the rates of access to health care and health-related services and information, especially for women who live in rural areas or who face cultural or language barriers in accessing health care. It further urges the State party to strengthen its efforts to analyse and collect data on the levels of access to and utilization of health services by different groups of women and to put in place corrective measures as necessary. The Committee urges the State party to increase its efforts to identify and address the factors that reduce the life expectancies of women who are not of European descent. The Committee urges the State party to improve the provision of information on reproductive health and contraception to women and girls and to promote widely sex education targeted at girls and boys, with special attention to the prevention of sexually transmitted diseases and teenage pregnancy.

603. **While the Committee welcomes the State party's efforts to expand eligibility requirements for legal aid, the Committee is concerned about the financial, administrative and cultural barriers women face in accessing legal aid and seeking redress in the courts and about the level of awareness among women of their rights and available remedies and services. In particular, the Committee is concerned about whether women are adequately aware of their rights under the revised Property (Relationships) Act, and the lack of research regarding the impact on women of the new property distribution provisions in the Act, which aim to redress economic disparities between partners upon the dissolution of relationships.**

604. **The Committee requests the State party to analyse and remove impediments women may face in gaining access to justice. The Committee calls upon the State party to provide legal aid services to all women in need and to raise awareness about how to utilize available legal remedies against discrimination, as well as to monitor the results of such efforts. It also encourages the State party to implement gender-sensitivity training to ensure that members of the judiciary, lawyers and prosecutors are fully familiar with applicable legal provisions, sensitized to all forms of discrimination against**

women and trained to adequately respond to them. It also requests the State party to conduct research and analysis on the impact on women of the new property division provisions in the Property (Relationships) Act and to provide such information in its next report.

605. **The Committee urges the State party, in its implementation of its obligations under the Convention, to utilize fully the Beijing Declaration and Platform for Action, which reinforce the provisions of the Convention, and requests the State party to include information thereon in its next periodic report.**

606. **The Committee also emphasizes that full and effective implementation of the Convention is indispensable for the achievement of the Millennium Development Goals. It calls for the integration of a gender perspective and explicit reflection of the provisions of the Convention in all efforts aimed at the achievement of the Millennium Development Goals and requests the State party to include information thereon in its next periodic report.**

607. **The Committee notes that the adherence of the State party to the seven major international human rights instruments**[1] **enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. The Committee therefore encourages the Government of New Zealand to ratify the treaty to which it is not yet a party, namely, the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.**

608. **The Committee requests the wide dissemination in New Zealand of the present concluding comments in order to make the people, including government officials, politicians and parliamentarians, and women's and human rights organizations aware of the steps that have been taken to ensure de jure and de facto equality of women and of the further steps that are required in that regard. The Committee requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Convention, its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".**

609. **The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report under article 18 of the Convention, which is due in September 2010.**

11. Seventh periodic report

Norway

610. The Committee considered the seventh periodic report of Norway (CEDAW/C/NOR/7) at its 803rd and 804th meetings, on 1 August 2007 (see CEDAW/C/SR.803 (B) and 804 (B)). The Committee's list of issues and questions is contained in CEDAW/C/NOR/Q/7 and the responses of the Government of Norway are contained in CEDAW/C/NOR/Q/7/Add.1.

Introduction

611. The Committee commends the State party for the timely submission of the seventh periodic report, which followed the Committee's guidelines for the preparation of periodic reports and took into account the Committee's previous concluding comments. The Committee commends the State party for the written replies to the list of issues and questions raised by the pre-session working group, and the oral presentation and further clarifications given in response to the questions posed orally by the Committee.

612. The Committee commends the State party for sending a delegation headed by the Director General of the Ministry of Children and Equality. The Committee expresses its appreciation for the frank and open constructive dialogue held between the delegation and the members of the Committee.

613. The Committee notes with appreciation the written submission on the seventh periodic report of the State party by the Norwegian Centre for Human Rights (the national human rights institution).

614. The Committee welcomes the State party's recognition of the positive contribution made by women's non-governmental organizations (NGOs) to the preparation of the report. It notes, however, the absence of Norwegian NGOs at the session, apparently for lack of funding.

Positive aspects

615. The Committee notes with appreciation that a number of initiatives have been undertaken to remove the barriers to achieving gender equality faced by migrant women and girls, particularly the passage of the Anti-Discrimination Act of 3 June 2005.

616. The Committee welcomes the State party's adoption of a new Plan of Action against Human Trafficking, which was introduced in early December 2006, and its ratification of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

617. The Committee welcomes the State party's launch in 2006 of its Plan of Action for the implementation of Security Council resolution 1325 (2000), on women and peace and security.

618. The Committee commends the State party for its establishment of a system of domestic violence coordinators in all 27 police districts to ensure that the police show understanding and insight in their dealings with victims and their families; a countrywide system of mobile violence alarms; and a pilot project for a "reverse alarm" for violent offenders who have violated a ban on visits.

619. The Committee notes with appreciation that the State party has further expanded the gender budgeting approach to encompass all ministries, each of which is required to carry out a gender equality assessment of its specialized budget area and report thereon in its budget proposals.

620. The Committee commends the State party on increasing its focus on gender equality in its development cooperation policy, while noting that the Convention

should serve as a normative framework underpinning the State party's efforts in this area.

Principal areas of concern and recommendations

621. **While recalling the State party's obligation to systematically and continuously implement all the provisions of the Convention, the Committee views the concerns and recommendations identified in the present concluding comments as requiring the State party's priority attention between now and the submission of the next periodic report. Consequently, the Committee calls upon the State party to focus on those areas in its implementation activities and to report on actions taken and concrete results achieved in its next periodic report. It also calls upon the State party to submit the present concluding comments to all relevant ministries, other government structures at all levels and parliament, in order to ensure their full implementation.**

622. The Committee remains concerned about the status of the Convention in the domestic legal system. While it appreciates that the Convention and its Optional Protocol were incorporated into the Gender Equality Act in 2005, the Committee recalls its recommendation from the previous concluding comments that the State party include the Convention and its Optional Protocol in the Human Rights Act, which would ensure that the provisions of the Convention prevail over any conflicting statutes and that the Convention has the same legal status as other United Nations human rights treaties incorporated therein.

623. **The Committee recommends that the State party take all necessary steps to incorporate the Convention on the Elimination of All Forms of Discrimination against Women into the Human Rights Act so as to ensure that elimination of discrimination against women is addressed as a core human rights obligation. It also recommends that the State party increase its efforts to raise awareness about the Convention and its Optional Protocol and the Committee's general recommendations among judges, prosecutors and lawyers to ensure that the spirit, objectives and provisions of the Convention become well known and regularly used in judicial processes.**

624. While appreciating that the State party has a long-standing policy of gender mainstreaming in all fields covered by its central administration, the Committee notes with some concern that the new scope of action of the Anti-Discrimination and Equality Ombud may result in insufficient focus being given to discrimination against women. The Committee notes that the effectiveness of the new machinery for equality will be evaluated by the end of 2008. While appreciating the National Action Plan for Women, the Committee remains concerned that the plan is not based on the normative framework of the Convention.

625. **The Committee recommends that the State party ensure that all policies and the National Action Plan for Women are based on the objectives and the provisions of the Convention and that the national structure responsible for promoting gender equality and the advancement of women fully and expertly addresses the specificity of discrimination against women, as provided for in the Convention, and is well placed to monitor progress and constraints in the practical realization of the principle of substantive equality of women and men in the enjoyment of their human rights.**

626. While welcoming the State party's innovative activities to address the social conduct of women and men and related stereotypes, such as the design and use of programmes for teaching and discussion and a joint research project of the Nordic countries to promote an understanding among youth of gender equality issues, the Committee is concerned that stereotypical cultural attitudes persist. These stereotypes are reflected in particular in women's position in the labour market, where they predominate in part-time work, and in their educational choices, particularly in higher education.

627. **The Committee recommends that the State party take additional measures to eliminate traditional stereotypical attitudes, including through sensitization and training of educators and school counsellors and sustained awareness-raising campaigns directed at both women and men, and at young people. Considering the important role of the media in regard to cultural change, the Committee recommends again that the State party encourage the media to project a positive image of women and of the equal status and responsibilities of women and men in the private and public spheres.**

628. While welcoming legal and other measures taken to combat violence against women, including the amendments to the Penal Code (2006) and the Police Act (2004) and the adoption and implementation of the Action Plan to Combat Domestic Violence (2004-2007), the Committee remains concerned about the prevalence of violence against women, including domestic violence. While commending the State party on its collection of data on the number of women murdered by their intimate partners, the Committee regrets the limited data and information available with regard to the age and ethnicity of victims, and the lack of any assessment of additional measures needed to prevent such murders.

629. **In accordance with its general recommendation No. 19, the Committee urges the State party to ensure that comprehensive measures are in place to address all forms of violence against women, including domestic violence, recognizing that such violence is a form of discrimination and constitutes a violation of women's human rights under the Convention. The Committee calls upon the State party to study and analyse all cases of violence against women, especially those that result in murders of women, and to ensure the adoption of effective measures to prevent violence against women and protect women from violence. It also calls upon the State party to reconsider its intended position not to enact a specific law on domestic violence. The Committee further calls upon the State party to ensure the collection of comprehensive statistical data disaggregated by sex, age and ethnicity, and by type of violence and the relationship of the perpetrator to the victim.**

630. While commending the State party on its legislation and measures taken to address the issue of trafficking, the Committee is concerned about the lack of statistics and data on trafficking in women and girls. It is also concerned about the prevalence of trafficking, despite the measures taken by the State party, and that any increase in trafficking in women may lead to an increase in the exploitation of prostitution of women.

631. **The Committee requests the State party to provide in its next report comprehensive information and data from the newly established National Coordinating Unit for Assistance and Protection for the Victims of Human Trafficking about trafficking in women and information on the impact of**

measures taken and results achieved under the new Plan of Action against Human Trafficking. The Committee also recommends that the State party continue its bilateral, regional and international cooperation so as to further curb this phenomenon. The Committee calls on the State party to take appropriate measures to suppress the exploitation of prostitution of women and take measures to rehabilitate and support women who want to get out of prostitution, and make a detailed impact study of its plans to criminalize persons who buy sex.

632. While appreciating the fact that of 19 cabinet ministers, 9 are currently women and that the representation of women in parliament and in county and municipal councils is relatively high, the Committee is concerned at the low numbers of women mayors, professors and judges at all levels of the judiciary. It notes the lack of statistics on the participation of migrant and minority women in political and public life and in academia.

633. **The Committee urges the State party to continue to take measures to accelerate women's full and equal participation in all aspects of political and public life and decision-making, especially as mayors and judges and in academia. It calls upon the State party to use temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendations 25, on temporary special measures, and 23, on women in political and public life.**

634. **The Committee encourages the State party to ensure that the representation of women in political and public bodies reflects the full diversity of the population and includes migrant and minority women. The Committee requests the State party to provide data and information on the representation of women, including migrant and minority women in political and public life and in academia, in its next periodic report.**

635. The Committee remains concerned about women's disadvantaged situation in the labour market, as reflected in a persistent wage gap between women and men, the predominance of women in part-time work and significant job segregation.

636. **The Committee urges the State party to prioritize the realization of women's de facto equal opportunities with men in the labour market, so as to achieve compliance with article 11 of the Convention. It urges the State party to take proactive and concrete measures to eliminate occupational segregation, both horizontal and vertical, and to narrow and close the pay gap between women and men. It calls upon the State party to monitor trends, including through the collection and analysis of data disaggregated by sex, skills and sectors in part-time versus full-time work, as well as the impact of measures taken and results achieved, and to take the necessary corrective steps. The Committee recommends that the State party continue its efforts for the reconciliation of family and professional responsibilities and for the promotion of equal sharing of domestic and family tasks between women and men.**

637. The Committee regrets the lack of comprehensive information and data disaggregated by sex, race, ethnicity and age about the prevalence of HIV/AIDS.

638. **The Committee calls on the State party to provide detailed disaggregated statistical and analytical information about women and HIV/AIDS in its next periodic report.**

639. While noting that the State party has continued to place the issue of forced marriages and female genital mutilation on the political agenda, and adopted and implemented successive plans of action, the Committee remains concerned about those practices.

640. **The Committee requests the State party to continue its efforts to eradicate those practices and to regularly monitor and evaluate progress in the implementation and impact of its laws and action plans.**

641. The Committee is concerned about the lack of a legal framework for de facto unions and the resulting precarious situation in which women in such unions may find themselves when their relationship breaks down and there is a need for a division of property and assets without the benefit of adequate prior contractual agreement. The Committee is also concerned about the new amendments to the rules relating to recognition of paternity, under which cohabiting fathers no longer need the approval of the mother to recognize the paternity of her child.

642. **The Committee recommends that the State party ensure that women are guaranteed equal rights with men to property and assets accumulated during de facto unions when their relationship breaks down. It also recommends that the State party carefully monitor the impact of the new amendments to the rules relating to recognition of paternity for cohabiting fathers and to include information thereon in its next periodic report.**

643. The Committee notes with concern that under the Marriage Act, county governors may on extraordinary grounds grant a dispensation from the age requirement of 18 to enter into marriage.

644. **The Committee urges the State party to apply strictly the marriage age of 18 years and requests information in the next periodic report and statistical data disaggregated by sex and ethnicity on the dispensations that have been granted, as well as information on the grounds invoked.**

645. The Committee is concerned that the report contained insufficient data disaggregated by sex, race, ethnicity and age, in all areas of the Convention. The Committee notes that such data would have further clarified the de facto situation of different groups of women, in regard to all areas covered by the Convention, and the impact of governmental policies and programmes aimed at eliminating discrimination against them, and trends over time.

646. **The Committee requests the State party to include adequate disaggregated statistical data and analysis in its next report so as to provide a full picture of the implementation of all the provisions of the Convention. It also recommends that the State party regularly conduct impact assessments of its legislation, policies, plans and programmes to ensure that measures taken lead to the desired goals, and that it inform the Committee about the results achieved in the implementation of the Convention in its next report.**

647. **The Committee urges the State party to continue to utilize, in its implementation of its obligations under the Convention, the Beijing Declaration and the Platform for Action, which reinforce the provisions of the Convention, and requests the State party to include information thereon in its next periodic report.**

648. **The Committee also emphasizes that full and effective implementation of the Convention is indispensable for achieving the Millennium Development Goals. It calls for the integration of a gender perspective and explicit reflection of the provisions of the Convention in all efforts aimed at the achievement of the Goals and requests the State party to include information thereon in its next periodic report.**

649. **The Committee notes that the adherence of States to the seven major international human rights instruments[1] enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. The Committee therefore encourages the Government of Norway to consider ratifying the treaty to which it is not yet a party, namely, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.**

650. **The Committee requests the wide dissemination in Norway of the present concluding comments in order to make the people, including government officials, politicians, parliamentarians and women's and human rights organizations, aware of the steps that have been taken to ensure de jure and de facto equality of women, as well as the further steps that are required in that regard. The Committee requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Convention, its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".**

651. **The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report under article 18 of the Convention, which is due in September 2010.**

Chapter V

Activities carried out under the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women

652. Article 12 of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women provides that the Committee shall include in its annual report under article 21 of the Convention a summary of its activities under the Optional Protocol.

A. Action taken by the Committee in respect of issues arising from article 2 of the Optional Protocol

653. The Committee took action on communications 5/2005, 6/2005 and 7/2005 (see annex VII).

654. The Committee endorsed the reports of the Working Group on Communications under the Optional Protocol on its ninth and tenth sessions (see annexes VIII and IX).

655. The Committee adopted amendments to rule 60, paragraph 1, rule 63, paragraphs 2, 3, and 4, rule 64, paragraph 2, and rule 69, as follows:

(a) Rule 60 — replace the word "may" in paragraph 1 with the word "shall";

(b) Rule 63 — delete the words "or rapporteur" in paragraphs 2, 3 and 4;

(c) Rule 64 — replace the phrase "provided that it is composed of five members and all of the members so decide" with the phrase "provided that all members eligible to participate so decide" in paragraph 2;

(d) Rule 69 — change "explanation or statement" to "explanations or statements" throughout the rule in order to bring it into line with article 6, paragraph 2, of the Optional Protocol.

[*For the text of the revised rules, see appendix below.*]

656. The Committee requested its Working Group to prepare a discussion note on the formulation and format of concurring and dissenting opinions, to serve as a basis for discussion by the Committee at its fortieth session.

657. The Committee requested the United Nations Secretariat to make continuous efforts to further disseminate information about and develop training materials, including leaflets and checklists, on the Optional Protocol, in cooperation with entities of the United Nations system, including regional commissions and United Nations country teams.

658. The Committee requested the Office of the United Nations High Commissioner for Human Rights to budget for outreach and training activities on the Optional Protocol procedure and allocate sufficient human and financial resources to carry out capacity-building activities on the submission of communications for relevant stakeholders, including women's organizations, lawyers' associations and other interested civil society actors.

659. The Committee requested the Division for the Advancement of Women to continue to disseminate information on the Convention and its Optional Protocol.

660. The Committee was briefed by Anamah Tan and Pramila Patten, who had been appointed as rapporteurs on follow-up to the views on communication 4/2004, *A. S. v. Hungary*, at the thirty-eighth session, on the further information received from the State party of 12 April and 25 July 2007.

661. The Committee was also briefed by the above-mentioned rapporteurs on the meeting held with a representative of the Permanent Mission of Hungary to the United Nations on 6 June 2007.

Appendix
Amendments to rules of procedure

Rule 60
Inability of a member to take part in the examination of a communication

1. A member of the Committee shall not take part in the examination of a communication if:

(a) The member has a personal interest in the case;

(b) The member has participated in the making of any decision on the case covered by the communication in any capacity other than under the procedures applicable to this Optional Protocol;

(c) The member is a national of the State party concerned.

2. Any question that may arise under paragraph 1 above shall be decided by the Committee without the participation of the member concerned.

Rule 63
Interim measures

1. At any time after the receipt of a communication and before a determination on the merits has been reached, the Committee may transmit to the State party concerned, for its urgent consideration, a request that it take such interim measures as the Committee considers necessary to avoid irreparable damage to the victim or victims of the alleged violation.

2. A working group may also request the State party concerned to take such interim measures as the working group considers necessary to avoid irreparable damage to the victim or victims of the alleged violation.

3. When a request for interim measures is made by a working group under the present rule, the working group shall forthwith thereafter inform the Committee members of the nature of the request and the communication to which the request relates.

4. Where the Committee or a working group requests interim measures under this rule, the request shall state that it does not imply a determination of the merits of the communication.

Rule 64
Method of dealing with communications

1. The Committee shall, by a simple majority and in accordance with the following rules, decide whether the communication is admissible or inadmissible under the Optional Protocol.

2. A working group may also declare that a communication is admissible under the Optional Protocol, provided that all members eligible to participate so decide.

Rule 69
Procedures with regard to communications received

1. As soon as possible after the communication has been received, and provided that the individual or group of individuals consent to the disclosure of their identity to the State party concerned, the Committee, working group or rapporteur shall bring the communication confidentially to the attention of the State party and shall request that State party to submit a written reply to the communication.

2. Any request made in accordance with paragraph 1 of the present rule shall include a statement indicating that such a request does not imply that any decision has been reached on the question of admissibility of the communication.

3. Within six months after receipt of the Committee's request under the present rule, the State party shall submit to the Committee written explanations or statements that relate to the admissibility of the communication and its merits, as well as to any remedy that may have been provided in the matter.

4. The Committee, working group or rapporteur may request written explanations or statements that relate only to the admissibility of a communication but, in such cases, the State party may nonetheless submit written explanations or statements that relate to both the admissibility and the merits of a communication, provided that such written explanations or statements are submitted within six months of the Committee's request.

5. A State party that has received a request for a written reply in accordance with paragraph 1 of the present rule may submit a request in writing that the communication be rejected as inadmissible, setting out the grounds for such inadmissibility, provided that such a request is submitted to the Committee within two months of the request made under paragraph 1.

6. If the State party concerned disputes the contention of the author or authors, in accordance with article 4, paragraph 1, of the Optional Protocol, that all available domestic remedies have been exhausted, the State party shall give details of the remedies available to the alleged victim or victims in the particular circumstances of the case.

7. Submission by the State party of a request in accordance with paragraph 5 of the present rule shall not affect the period of six months given to the State party to submit its written explanations or statements unless the Committee, working group or rapporteur decides to extend the time for submission for such a period as the Committee considers appropriate.

8. The Committee, working group or rapporteur may request the State party or the author of the communication to submit, within fixed time limits, additional

written explanations or statements relevant to the issues of the admissibility or merits of a communication.

9. The Committee, working group or rapporteur shall transmit to each party the submissions made by the other party pursuant to the present rule and shall afford each party an opportunity to comment on those submissions within fixed time limits.

B. Action taken by the Committee in respect of issues arising from article 8 of the Optional Protocol

662. In accordance with article 8, paragraph 1, of the Optional Protocol, if the Committee receives reliable information indicating grave or systematic violations by a State party of rights set forth in the Convention, the Committee shall invite that State party to cooperate in the examination of the information and, to this end, to submit observations with regard to the information concerned.

663. In accordance with rule 77 of the Committee's rules of procedure, the Secretary-General shall bring to the attention of the Committee information that is or appears to be submitted for the Committee's consideration under article 8, paragraph 1, of the Optional Protocol.

664. In accordance with the provisions of rules 80 and 81 of the Committee's rules of procedure, all documents and proceedings of the Committee relating to its functions under article 8 of the Optional Protocol are confidential and all the meetings concerning its proceedings under that article are closed.

Chapter VI

Ways and means of expediting the work of the Committee

665. The Committee considered agenda item 6, ways and means of expediting the work of the Committee, at its 792nd and 809th meetings, on 23 July and 10 August, and in closed meetings.

Action taken by the Committee under agenda item 6

Members of the pre-session working group for the forty-second session of the Committee

666. The Committee designated the following experts as members of the pre-session working group for the forty-second session:

Ferdous Ara Begum
Meriem Belmihoub-Zerdani
Pramila Patten
Hanna Beate Schöpp-Schilling
Glenda Simms
Anamah Tan
Dubravka Šimonović

Dates of future sessions of the Committee

667. In accordance with the provisional calendar of conferences, the following dates are proposed for the Committee's sessions in 2008:

- **Fortieth session:** 14 January to 1 February 2008, Geneva
- Eleventh session of the Working Group on Communications under the Optional Protocol: 9 to 11 January 2008, Geneva
- Pre-session working group for the forty-second session: 4 to 8 February 2008, Geneva
- **Forty-first session:** 30 June to 18 July 2008, New York
- Twelfth session of the Working Group on Communications under the Optional Protocol: 21 to 23 July 2008, New York
- Pre-session working group for the forty-third session: 21 to 25 July 2008, New York
- **Forty-second session:** 20 October to 7 November 2008, Geneva, with parallel chambers
- Thirteenth session of the Working Group on Communications under the Optional Protocol: 14 to 17 October 2008, Geneva
- Pre-session working group for the forty-fourth session: 10 to 14 November 2008, Geneva.

Reports to be considered at future sessions of the Committee

668. The Committee confirmed that it will consider the reports of the following States parties at its fortieth and forty-first sessions, and selected the following States parties to present their reports at the forty-second session:

(a) **Fortieth session**

Saudi Arabia (initial report)

Bolivia

Burundi

France

Lebanon

Luxembourg

Morocco

Sweden

(b) **Forty-first session**

Finland

Iceland

Lithuania

Nigeria

Slovakia

United Kingdom of Great Britain and Northern Ireland

United Republic of Tanzania

Yemen

(c) **Forty-second session (list to be completed)**

Belgium (5-6)

Cameroon (2-3)

Canada (6-7)

Ecuador (6-7)

El Salvador (7)

Kyrgyzstan (3)

Mongolia (5-7)

Myanmar (2-3)

Portugal (6)

Slovenia (4)

Uruguay (4-7)

Enhancing the Committee's working methods under article 18 of the Convention

Extension of the Committee's meeting time

669. The Committee reviewed its requirements for discharging all its responsibilities under the Convention and the Optional Protocol. It concluded that in order to ensure a sustainable basis for its work, three annual sessions of three weeks each, and each with a one-week session of its pre-session working group were necessary on a permanent basis. The Committee further concluded that as a temporary measure, additional time was necessary to eliminate the remaining backlog of reports awaiting consideration. It was of the view that such additional time may be necessary from time to time, in response to the workload. Therefore, the Committee requested the General Assembly to approve a permanent extension of its meeting time; as well as a temporary measure to meet in chambers for parts of its sessions in 2008 and 2009 (see chap. I above, decision 39/I).

670. The Committee has been provided with a statement of programme budget implications in conjunction with the draft decision, and has taken note of it (see annex X). The Committee requested that the basis for calculating the costs for the extended meeting time be revisited so as to ensure that they are indeed in line with the Committee's actual requirements and that the statement clearly explains the different parameters used for calculating the current requirements as compared to those of a similar request of the Committee in 2005 (see A/60/38, part two, annex IX). As a temporary measure for the biennium 2008-2009, the Committee decided that summary records of its meetings should be issued in English only, in order to reduce the overall costs of its sessions. The Committee decided to revisit the decision in 2009, when it will also assess its requirements for meeting time (see chap. I above, decision 39/II).

Follow-up to the recommendations of the sixth inter-committee meeting and the nineteenth meeting of chairpersons of the human rights treaty bodies

671. The Committee discussed the results of the sixth inter-committee meeting and the nineteenth meeting of chairpersons of the human rights treaty bodies and of the recommendations and points of agreement contained therein (A/62/224 forthcoming). It supported the proposal of the inter-committee meeting that it meet twice annually, including for purposes of making recommendations for the improvement and harmonization of working methods of the human rights treaty bodies. It agreed that the chairpersons should participate in those meetings ex officio, and that the criteria of rotation and continuity be used by all committees in identifying other participants.

672. The Committee emphasized that harmonization of working methods should also aim to enhance the efficiency of the committees' working methods. It proposed that the inter-committee meeting, at its next meeting, establish a list of issues for discussion, within a specified time frame, and in order of priority. It also strongly encouraged the inter-committee meeting to conduct a self-assessment of its working methods and efficiency.

673. The Committee proposed the following issues for discussion, in order of priority, and submitted it to the next inter-committee meeting for consideration:

- Finalization of revised reporting guidelines in the light of the harmonized reporting guidelines by all treaty bodies
- Relationships between the treaty bodies and the Human Rights Council
- Interaction with national human rights institutions
- Follow-up to concluding observations
- Interaction with non-governmental organizations
- Joint general recommendations
- Interaction between the treaty bodies and special procedures mandate holders
- Periodicity of periodic reports
- Use of indicators

Harmonized guidelines on reporting

674. The Committee was informed that its working group consisting of Shanthi Dairiam, Naela Mohamed Gabr and Hanna Beate Schöpp-Schilling had been unable to consider further a draft revision of the Committee's own reporting guidelines in the light of the harmonized reporting guidelines. The Committee agreed to consider these proposals at its informal meeting in the fall of 2007 (see para. 676 below).

Request for long-overdue initial reports

675. The Committee reviewed the status of submission of reports by States parties (CEDAW/C/2007/III/2), as well as steps taken at its thirty-seventh and thirty-eighth sessions aimed at encouraging States parties to submit long-overdue reports. The Committee proceeded in accordance with its decisions 29/I and 31/III (i), and took into consideration its previous experience in inviting two States parties — Cape Verde and Saint Lucia — to submit all their overdue reports as combined reports. It also noted that at its thirty-seventh session, it had requested four States parties that are more than 20 years overdue in submitting their initial report under article 18 of the Convention, i.e., Dominica, Guinea-Bissau, Haiti and Liberia, to submit all their overdue reports as combined reports by March 2008, for consideration at its forty-third session in 2009. The Committee also noted that, at its thirty-eighth session, it had requested four more States parties with long-overdue reports — i.e., Bahamas, Central African Republic, Grenada and Seychelles — to submit all their overdue reports as combined reports by the end of 2008, for consideration by the Committee in early 2010. The Committee decided to request four more States parties — Chad, Comoros, Lesotho, and Papua New Guinea — to submit all their overdue reports as combined reports by July 2009, for consideration by the Committee in the second half of 2010. As a last resort, and failing the receipt of the reports within the suggested time frame, the Committee will proceed with consideration of the implementation of the Convention in the States parties concerned in the absence of a report.

Informal working session of the Committee

676. The Committee expressed its appreciation to the Government of Switzerland for having invited the Committee to hold an informal working session in Switzerland during the second half of 2007. The Committee proposed to hold that

meeting from 24 to 26 October 2007, and identified the following issues for discussion: revised guidelines on reporting; general recommendation on article 2 of the Convention; follow-up to the Committee's concluding comments; interaction with national human rights institutions; relationship with the Human Rights Council. The Committee also intends to hold an orientation session with the Office of the United Nations High Commissioner for Human Rights pertaining to the transfer of the servicing of the Committee to that Office as of 1 January 2008.

Interaction with specialized agencies and other bodies of the United Nations system

677. The Committee noted with appreciation that United Nations country teams submitted information in regard to six States parties whose reports were considered at the present session, namely, Belize, Brazil, Guinea, Honduras, Indonesia and Jordan. It encourages the entities of the United Nations system, through country teams, to expand the practice and, in particular, consider making such information available to the Committee's pre-session working group tasked with preparing lists of issues and questions for reporting States, and to keep such information relatively short and succinct. The Committee also encourages the United Nations country teams to undertake follow-up activities on the basis of the Committee's concluding comments and to support States parties in their implementation of the concluding comments at the country level, and to submit further information the next time the respective State party reports.

Other matters

678. On 10 August 2007, the Committee was briefed by, and engaged in an interactive dialogue with the Special Adviser to the Secretary-General on Gender Issues and Advancement of Women on matters pertaining to proposals regarding a new gender equality architecture, and in particular the concept paper prepared by the Deputy Secretary-General, dated August 2007.

679. On 8 August 2007, the Committee held an informal meeting with States parties to the Convention, for a discussion on the Committee's working methods, and in particular the Committee's request for an extension of its meeting time.

Chapter VII

Implementation of article 21 of the Convention

680. The Committee considered agenda item 5, on the implementation of article 21 of the Convention, at its 792nd and 809th meetings, on 23 July and 10 August, and in closed meetings.

Action taken by the Committee under agenda item 5

General recommendation on migrant women

681. The working group presented the revised draft to the Committee. The Committee took note of an invitation of the Chairperson of the Committee on Migrant Workers to collaborate on such a general recommendation, and agreed to pursue the suggestion in further developing the current draft. The Chairperson was entrusted to discuss the format and practical modalities of such collaboration with the Committee on Migrant Workers. The working group consists of: Ms. Dairiam (Chairperson), Ms. Shin, Ms. Pimentel, Ms. Arocha, Ms. Gabr, Ms. Gaspard, Ms. Tavares da Silva and Ms. Begum.

General recommendation on article 2

682. The working group consists of the following members: Mr. Flinterman (Chairperson), Ms. Šimonović, Ms. Dairiam, Ms. Pimentel, Ms. Schöpp-Schilling, Ms. Belmihoub-Zerdani, Ms. Halperin-Kaddari, and Ms. Coker-Appiah. The Chairperson of the working group provided an update, indicating that no progress had been made intersessionally. An outline will be available for discussion by the Committee at its informal session in the fall of 2007.

Chapter VIII
Provisional agenda for the fortieth session

683. The Committee considered the draft provisional agenda for its fortieth session at its 809th meeting, on 10 August 2007 and approved the following provisional agenda for the session:

1. Opening of the session.
2. Adoption of the agenda and organization of work.
3. Report of the Chairperson on activities undertaken between the thirty-ninth and fortieth sessions of the Committee.
4. Consideration of the report submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women.
5. Implementation of article 21 of the Convention on the Elimination of All Forms of Discrimination against Women.
6. Ways and means of expediting the work of the Committee.
7. Activities of the Committee under the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.
8. Provisional agenda for the forty-first session.
9. Adoption of the report of the Committee on its fortieth session.

Chapter IX

Adoption of the report

684. The Committee considered the draft report on its thirty-ninth session (CEDAW/C/2007/III/L.1 and addenda) at its 809th meeting (see CEDAW/C/SR.809) and adopted it, as orally revised during the discussion.

Annex I

States parties to the Convention on the Elimination of All Forms of Discrimination against Women, as at 31 August 2007

States parties	*Date of receipt of the instrument of ratification or accession (a), succession (b)*	*Date of entry into force*
Afghanistan	5 March 2003	4 April 2003
Albania	11 May 1994[a]	10 June 1994
Algeria	22 May 1996[a]	21 June 1996
Andorra	15 January 1997[a]	14 February 1997
Angola	17 September 1986[a]	17 October 1986
Antigua and Barbuda	1 August 1989[a]	31 August 1989
Argentina	15 July 1985	14 August 1985
Armenia	13 September 1993[a]	13 October 1993
Australia	28 July 1983	27 August 1983
Austria	31 March 1982	30 April 1982
Azerbaijan	10 July 1995[a]	9 August 1995
Bahamas	8 October 1993[a]	7 November 1993
Bahrain	18 June 2002[a]	18 July 2002
Bangladesh	6 November 1984[a]	6 December 1984
Barbados	16 October 1980	3 September 1981
Belarus	4 February 1981	3 September 1981
Belgium	10 July 1985	9 August 1985
Belize	16 May 1990	15 June 1990
Benin	12 March 1992	11 April 1992
Bhutan	31 August 1981	30 September 1981
Bolivia	8 June 1990	8 July 1990
Bosnia and Herzegovina	1 September 1993[b]	1 October 1993
Botswana	13 August 1996[a]	12 September 1996

States parties	*Date of receipt of the instrument of ratification or accession (a), succession (b)*	*Date of entry into force*
Brazil	1 February 1984	2 March 1984
Brunei Darussalam	24 May 2006[a]	23 June 2006
Bulgaria	8 February 1982	10 March 1982
Burkina Faso	14 October 1987[a]	13 November 1987
Burundi	8 January 1992	7 February 1992
Cambodia	15 October 1992[a]	14 November 1992
Cameroon	23 August 1994	22 September 1994
Canada	10 December 1981	9 January 1982
Cape Verde	5 December 1980[a]	3 September 1981
Central African Republic	21 June 1991[a]	21 July 1991
Chad	9 June 1995[a]	9 July 1995
Chile	7 December 1989	6 January 1990
China	4 November 1980	3 September 1981
Colombia	19 January 1982	18 February 1982
Comoros	31 October 1994[a]	30 November 1994
Congo	26 July 1982	25 August 1982
Cook Islands	11 August 2006[a]	10 September 2006
Costa Rica	4 April 1986	4 May 1986
Côte d'Ivoire	18 December 1995	17 January 1996
Croatia	9 September 1992[b]	9 October 1992
Cuba	17 July 1980	3 September 1981
Cyprus	23 July 1985[a]	22 August 1985
Czech Republic[c]	22 February 1993[b]	24 March 1993
Democratic People's Republic of Korea	27 February 2001[a]	29 March 2001
Democratic Republic of the Congo[d]	17 October 1986	16 November 1986
Denmark	21 April 1983	21 May 1983
Djibouti	2 December 1998[a]	1 January 1999

States parties	*Date of receipt of the instrument of ratification or accession (a), succession (b)*	*Date of entry into force*
Dominica	15 September 1980	3 September 1981
Dominican Republic	2 September 1982	2 October 1982
Ecuador	9 November 1981	9 December 1981
Egypt	18 September 1981	18 October 1981
El Salvador	19 August 1981	18 September 1981
Equatorial Guinea	23 October 1984[a]	22 November 1984
Eritrea	5 September 1995[a]	5 October 1995
Estonia	21 October 1991[a]	20 November 1991
Ethiopia	10 September 1981	10 October 1981
Fiji	28 August 1995[a]	27 September 1995
Finland	4 September 1986	4 October 1986
France	14 December 1983	13 January 1984
Gabon	21 January 1983	20 February 1983
Gambia	16 April 1993	16 May 1993
Georgia	26 October 1994[a]	25 November 1994
Germany[c]	10 July 1985	9 August 1985
Ghana	2 January 1986	1 February 1986
Greece	7 June 1983	7 July 1983
Grenada	30 August 1990	29 September 1990
Guatemala	12 August 1982	11 September 1982
Guinea	9 August 1982	8 September 1982
Guinea-Bissau	23 August 1985	22 September 1985
Guyana	17 July 1980	3 September 1981
Haiti	20 July 1981	3 September 1981
Honduras	3 March 1983	2 April 1983
Hungary	22 December 1980	3 September 1981
Iceland	18 June 1985	18 July 1985
India	9 July 1993	8 August 1993

States parties	*Date of receipt of the instrument of ratification or accession (a), succession (b)*	*Date of entry into force*
Indonesia	13 September 1984	13 October 1984
Iraq	13 August 1986[a]	12 September 1986
Ireland	23 December 1985[a]	22 January 1986
Israel	3 October 1991	2 November 1991
Italy	10 June 1985	10 July 1985
Jamaica	19 October 1984	18 November 1984
Japan	25 June 1985	25 July 1985
Jordan	1 July 1992	31 July 1992
Kazakhstan	26 August 1998[a]	25 September 1998
Kenya	9 March 1984[a]	8 April 1984
Kiribati	17 March 2004[a]	16 April 2004
Kuwait	2 September 1994[a]	2 October 1994
Kyrgyzstan	10 February 1997[a]	12 March 1997
Lao People's Democratic Republic	14 August 1981	13 September 1981
Latvia	14 April 1992[a]	14 May 1992
Lebanon	16 April 1997[a]	16 May 1997
Lesotho	22 August 1995	21 September 1995
Liberia	17 July 1984[a]	16 August 1984
Libyan Arab Jamahiriya	16 May 1989[a]	15 June 1989
Liechtenstein	22 December 1995[a]	21 January 1996
Lithuania	18 January 1994[a]	17 February 1994
Luxembourg	2 February 1989	4 March 1989
Madagascar	17 March 1989	16 April 1989
Malawi	12 March 1987[a]	11 April 1987
Malaysia	5 July 1995[a]	4 August 1995
Maldives	1 July 1993[a]	31 July 1993
Mali	10 September 1985	10 October 1985

States parties	*Date of receipt of the instrument of ratification or accession (a), succession (b)*	*Date of entry into force*
Malta	8 March 1991[a]	7 April 1991
Marshall Islands	2 March 2006[a]	1 April 2006
Mauritania	10 May 2001[a]	9 June 2001
Mauritius	9 July 1984[a]	8 August 1984
Mexico	23 March 1981	3 September 1981
Micronesia (Federated States of)	1 September 2004[a]	1 October 2004
Monaco	18 March 2005[a]	17 April 2005
Mongolia	20 July 1981	3 September 1981
Montenegro	23 October 2006[d]	22 November 2006
Morocco	21 June 1993[a]	21 July 1993
Mozambique	21 April 1997[a]	21 May 1997
Myanmar	22 July 1997[a]	21 August 1997
Namibia	23 November 1992[a]	23 December 1992
Nepal	22 April 1991	22 May 1991
Netherlands	23 July 1991	22 August 1991
New Zealand	10 January 1985	9 February 1985
Nicaragua	27 October 1981	26 November 1981
Niger	8 October 1999[a]	7 November 1999
Nigeria	13 June 1985	13 July 1985
Norway	21 May 1981	3 September 1981
Oman	7 February 2006[a]	9 March 2006
Pakistan	12 March 1996[a]	11 April 1996
Panama	29 October 1981	28 November 1981
Papua New Guinea	12 January 1995[a]	11 February 1995
Paraguay	6 April 1987[a]	6 May 1987
Peru	13 September 1982	13 October 1982

States parties	*Date of receipt of the instrument of ratification or accession (a), succession (b)*	*Date of entry into force*
Philippines	5 August 1981	4 September 1981
Poland	30 July 1980	3 September 1981
Portugal	30 July 1980	3 September 1981
Republic of Korea	27 December 1984	26 January 1985
Republic of Molodova	1 July 1994[a]	31 July 1994
Romania	7 January 1982	6 February 1982
Russian Federation	23 January 1981	3 September 1981
Rwanda	2 March 1981	3 September 1981
Saint Kitts and Nevis	25 April 1985[a]	25 May 1985
Saint Lucia	8 October 1982[a]	7 November 1982
Saint Vincent and the Grenadines	4 August 1981[a]	3 September 1981
Samoa	25 September 1992[a]	25 October 1992
San Marino	10 December 2003	9 January 2004
Sao Tome and Principe	3 June 2003	2 July 2003
Saudi Arabia	7 September 2000	7 October 2000
Senegal	5 February 1985	7 March 1985
Serbia	12 March 2001[b]	11 April 2001
Seychelles	5 May 1992[a]	4 June 1992
Sierra Leone	11 November 1988	10 December 1988
Singapore	5 October 1995[a]	4 November 1995
Slovakia	28 May 1993[a]	27 June 1993
Slovenia	6 July 1992[b]	5 August 1992
Solomon Islands	6 May 2002[a]	5 June 2002
South Africa	15 December 1995	14 January 1996
Spain	5 January 1984	4 February 1984
Sri Lanka	5 October 1981	4 November 1981

States parties	*Date of receipt of the instrument of ratification or accession (a), succession (b)*	*Date of entry into force*
Suriname	1 March 1993[a]	31 March 1993
Swaziland	26 March 2004[a]	25 April 2004
Sweden	2 July 1980	3 September 1981
Switzerland	27 March 1997	26 April 1997
Syrian Arab Republic	18 March 2003[a]	17 April 2003
Tajikistan	26 October 1993[a]	25 November 1993
Thailand	9 August 1985[a]	8 September 1985
The former Yugoslav Republic of Macedonia	18 January 1994[b]	17 February 1994
Timor-Leste	16 April 2003[a]	16 May 2003
Togo	26 September 1983[a]	26 October 1983
Trinidad and Tobago	12 January 1990	11 February 1990
Tunisia	20 September 1985	20 October 1985
Turkey	20 December 1985[a]	19 January 1986
Turkmenistan	1 May 1997[a]	31 May 1997
Tuvalu	6 October 1999[a]	5 November 1999
Uganda	22 July 1985	21 August 1985
Ukraine	12 March 1981	3 September 1981
United Arab Emirates	6 October 2004[a]	5 November 2004
United Kingdom of Great Britain and Northern Ireland	7 April 1986	7 May 1986
United Republic of Tanzania	20 August 1985	19 September 1985
Uruguay	9 October 1981	8 November 1981
Uzbekistan	19 July 1995[a]	18 August 1995
Vanuatu	8 September 1995[a]	8 October 1995
Venezuela (Bolivarian Republic of)	2 May 1983	1 June 1983
Viet Nam	17 February 1982	19 March 1982
Yemen[f]	20 May 1984[a]	29 June 1984

States parties	*Date of receipt of the instrument of ratification or accession (a), succession (b)*	*Date of entry into force*
Zambia	21 June 1985	21 July 1985
Zimbabwe	13 May 1991[a]	12 June 1991

[a] Ratification, accession.

[b] Succession.

[c] Before becoming separate States on 1 January 1993, the Czech Republic and Slovakia formed part of Czechoslovakia, which had ratified the Convention on 16 February 1982.

[d] Effective 17 May 1997, Zaire was renamed the Democratic Republic of the Congo.

[e] With effect from 3 October 1990, the German Democratic Republic (which ratified the Convention on 9 July 1980) and the Federal Republic of Germany (which ratified the Convention on 10 July 1985) united to form one sovereign State, which acts in the United Nations under the designation Germany.

[f] On 22 May 1990, Democratic Yemen and Yemen merged to form a single State, which acts in the United Nations under the designation Yemen.

Annex II

States parties which have deposited with the Secretary-General instruments of acceptance of the amendment to article 20, paragraph 1, of the Convention, as at 31 August 2007

States parties	*Acceptance date*
Andorra	14 October 2002
Australia	4 June 1998
Austria	11 September 2000
Bahamas	17 January 2003
Bangladesh	3 May 2007
Brazil	5 March 1997
Canada	3 November 1997
Chile	8 May 1998
China	10 July 2002
Croatia	24 October 2003
Cyprus	30 July 2002
Denmark	12 March 1996
Egypt	2 August 2001
Finland	18 March 1996
France	8 August 1997
Georgia	30 September 2005
Germany	25 February 2002
Guatemala	3 June 1999
Iceland	8 May 2002
Ireland	11 June 2004
Italy	31 May 1996
Japan	12 June 2003
Jordan	11 January 2002
Lesotho	12 November 2001

States parties	*Acceptance date*
Liberia	16 September 2005
Liechtenstein	15 April 1997
Lithuania	5 August 1997
Luxembourg	1 July 2003
Madagascar	19 July 1996
Maldives	7 February 2002
Mali	20 June 2002
Malta	5 March 1997
Mauritius	29 October 2002
Mexico	16 September 1996
Mongolia	19 December 1997
Netherlands[a]	10 December 1997
New Zealand	26 September 1996
Niger	1 May 2002
Norway	29 March 1996
Panama	5 November 1996
Philippines	12 November 2003
Portugal	8 January 2002
Republic of Korea	12 August 1996
Slovenia	10 November 2006
Sweden	17 July 1996
Switzerland	2 December 1997
Turkey	9 December 1999
United Kingdom of Great Britain and Northern Ireland[b]	19 November 1997
Uruguay	8 January 2004

[a] For the Kingdom in Europe, the Netherlands Antilles and Aruba.

[b] For the United Kingdom of Great Britain and Northern Ireland, the Isle of Man, the British Virgin Islands, and the Turks and Caicos Islands.

Annex III

States parties which have signed, ratified or acceded to the Optional Protocol to the Convention, as at 31 August 2007

State parties	*Date signed*	*Ratification, accession*[a]
Albania		23 June 2003[a]
Andorra	9 July 2001	14 October 2002
Antigua and Barbuda		5 June 2006[a]
Argentina	28 February 2000	20 March 2007
Armenia		14 September 2006[a]
Austria	10 December 1999	6 September 2000
Azerbaijan	6 June 2000	1 June 2001
Bangladesh[b]	6 September 2000	6 September 2000
Belarus	29 April 2002	3 February 2004
Belgium	10 December 1999	17 June 2004
Belize[b]		9 December 2002[a]
Benin	25 May 2000	
Bolivia	10 December 1999	27 September 2000
Bosnia and Herzegovina	7 September 2000	4 September 2002
Botswana		21 February 2007[a]
Brazil	13 March 2001	28 June 2002
Bulgaria	6 June 2000	20 September 2006
Burkina Faso	16 November 2001	10 October 2005
Burundi	13 November 2001	
Cambodia	11 November 2001	
Cameroon		7 January 2005[a]
Canada		18 October 2002[a]
Chile	10 December 1999	
Colombia[b]	10 December 1999	23 January 2007
Costa Rica	10 December 1999	20 September 2001
Croatia	5 June 2000	7 March 2001

State parties	*Date signed*	*Ratification, accession*[a]
Cuba	17 March 2000	
Cyprus	8 February 2001	26 April 2002
Czech Republic	10 December 1999	26 February 2001
Denmark	10 December 1999	31 May 2000
Dominican Republic	14 March 2000	10 August 2001
Ecuador	10 December 1999	5 February 2002
El Salvador	4 April 2001	
Finland	10 December 1999	29 December 2000
France	10 December 1999	9 June 2000
Gabon		5 November 2004[a]
Georgia		1 August 2002[a]
Germany	10 December 1999	15 January 2002
Ghana	24 February 2000	
Greece	10 December 1999	24 January 2002
Guatemala	7 September 2000	9 May 2002
Guinea-Bissau	12 September 2000	
Hungary		22 December 2000[a]
Iceland	10 December 1999	6 March 2001
Indonesia	28 February 2000	
Ireland	7 September 2000	7 September 2000
Italy	10 December 1999	22 September 2000
Kazakhstan	6 September 2000	24 August 2001
Kyrgyzstan		22 July 2002[a]
Lesotho	6 September 2000	24 September 2004
Liberia	22 September 2004	
Libyan Arab Jamahiriya		18 June 2004[a]
Liechtenstein	10 December 1999	24 October 2001
Lithuania	8 September 2000	5 August 2004
Luxembourg	10 December 1999	1 July 2003

State parties	*Date signed*	*Ratification, accession*[a]
Madagascar	7 September 2000	
Malawi	7 September 2000	
Maldives		13 March 2006[a]
Mali		5 December 2000[a]
Mauritius	11 November 2001	
Mexico	10 December 1999	15 March 2002
Mongolia	7 September 2000	28 March 2002
Montenegro		23 October 2006
Namibia	19 May 2000	26 May 2000
Nepal	19 December 2001	15 June 2007
Netherlands[c]	10 December 1999	22 May 2002
New Zealand[d]	7 September 2000	7 September 2000
Niger		30 September 2004[a]
Nigeria	8 September 2000	22 November 2004
Norway	10 December 1999	5 March 2002
Panama	9 June 2000	9 May 2001
Paraguay	28 December 1999	14 May 2001
Peru	22 December 2000	9 April 2001
Philippines	21 March 2000	12 November 2003
Poland		22 December 2003[a]
Portugal	16 February 2000	26 April 2002
Republic of Korea		18 October 2006[a]
Republic of Moldova		28 February 2006[a]
Romania	6 September 2000	25 August 2003
Russian Federation	8 May 2001	28 July 2004
Saint Kitts and Nevis		20 January 2006[a]
San Marino		15 September 2005[a]
Sao Tome and Principe	6 September 2000	
Senegal	10 December 1999	26 May 2000

State parties	*Date signed*	*Ratification, accession*[a]
Serbia		31 July 2003[a]
Seychelles	22 July 2002	
Sierra Leone	8 September 2000	
Slovakia	5 June 2000	17 November 2000
Slovenia	19 December 1999	23 September 2004
Solomon Islands		6 May 2002[a]
South Africa		18 October 2005[a]
Spain	14 March 2000	6 July 2001
Sri Lanka		15 October 2002[a]
Sweden	10 December 1999	24 April 2003
Switzerland	15 February 2007	
Tajikistan	7 September 2000	
Thailand	14 June 2000	14 June 2000
The former Yugoslav Republic of Macedonia	3 April 2000	17 October 2003
Timor-Leste		16 April 2003[a]
Turkey	8 September 2000	29 October 2003
Ukraine	7 September 2000	26 September 2003
United Kingdom of Great Britain and Northern Ireland		17 December 2004[a]
United Republic of Tanzania		12 January 2006[a]
Uruguay	9 May 2000	26 July 2001
Vanuatu		17 May 2007[a]
Venezuela (Bolivarian Republic of)	17 March 2000	13 May 2002

[a] Accession.

[b] Upon ratification made a declaration in accordance with article 10 (1) of the Optional Protocol.

[c] For the Kingdom in Europe, the Netherlands Antilles and Aruba.

[d] With a declaration to the effect that "consistent with the constitutional status of Tokelau and taking into account its commitment to the development of self-government through an act of self-determination under the Charter of the United Nations, this ratification shall not extend to Tokelau unless and until a Declaration to this effect is lodged by the Government of New Zealand with the depositary on the basis of appropriate consultation with that territory".

Annex IV

Documents before the Committee at its thirty-seventh, thirty-eighth and thirty-ninth sessions

Document number	*Title or description*
A. Thirty-seventh session	
CEDAW/C/2007/I/1	Annotated provisional agenda
CEDAW/C/2007/I/1/Corr.1	Annotated provisional agenda — Corrigendum
CEDAW/C/2007/I/2	Report of the Secretary-General on the status of submission of reports by States parties under article 18 of the Convention
CEDAW/C/2007/I/3	Note by the Secretary-General on reports provided by specialized agencies on the implementation of the Convention in areas falling within the scope of their activities
CEDAW/C/2007/I/3/Add.1	Report of the Food and Agriculture Organization of the United Nations
CEDAW/C/2007/I/3/Add.3	Report of the United Nations Educational, Scientific and Cultural Organization
CEDAW/C/2007/I/4	Report of the Secretariat on ways and means of expediting the work of the Committee
CEDAW/C/2007/I/4/Add.1	Ways and means of expediting the work of the Committee on the Elimination of Discrimination against Women. Overview of the working methods of the Committee on the Elimination of Discrimination against Women
Reports of States parties	
CEDAW/C/TJK/1-3	Combined initial, second and third periodic report of Tajikistan
CEDAW/C//KAZ/2	Second periodic report of Kazakhstan
CEDAW/C/AZE/2-3	Combined second and third periodic reports of Azerbaijan
CEDAW/C/IND/2-3	Combined second and third periodic reports of India
CEDAW/C/MDV/2-3	Combined second and third periodic reports of Maldives
CEDAW/C/NAM/2-3	Combined second and third periodic reports of Namibia
CEDAW/C/SUR/3	Third periodic report of Suriname
CEDAW/C/NLD/4 and CEDAW/C/NLD/Add.1	Fourth periodic report of the Netherlands
CEDAW/C/POL/4-5 and CEDAW/C/POL/6	Combined fourth and fifth, as well as the sixth periodic reports of Poland

Document number	*Title or description*
CEDAW/C/VNM/5-6	Combined fifth and sixth periodic reports of Viet Nam
CEDAW/C/COL/5-6	Combined fifth and sixth periodic reports of Colombia
CEDAW/C/AUT/6	Sixth periodic report of Austria
CEDAW/C/GRC/6	Sixth periodic report of Greece
CEDAW/C//NIC/6	Sixth periodic report of Nicaragua
CEDAW/C/PER/6	Sixth periodic report of Peru
B. Thirty-eighth session	
CEDAW/C/2007/II/1	Annotated provisional agenda
CEDAW/C/2007/III/2	Report of the Secretary-General on status of submission of reports by States parties under article 18 of the Convention
CEDAW/C/2007/III/3	Note by the Secretary-General on reports provided by specialized agencies on the implementation of the Convention in areas falling within the scope of their activities
CEDAW/C/2007/III/3/Add.1	Report of the Food and Agriculture Organization of the United Nations
CEDAW/C/2007/III/3/Add.3	Report of the United Nations Educational, Scientific and Cultural Organization
CEDAW/C/2007/III/3/Add.4	Report of the International Labour Organization
CEDAW/C/2007/III/4	Report of the Secretariat on ways and means of expediting the work of the Committee
Reports of States parties	
CEDAW/C/MRT/1	Initial report of Mauritania
CEDAW/C/MOZ/1-2	Combined initial and second periodic report of Mozambique
CEDAW/C/NER/1-2	Combined initial and second periodic report of the Niger
CEDAW/C/PAK/1-3	Combined initial, second and third periodic report of Pakistan
CEDAW/C/SCG/1	Initial report of Serbia
CEDAW/C/SLE/5	Combined initial, second, third, fourth and fifth periodic report of Sierra Leone
CEDAW/C/SYR/1	Initial report of the Syrian Arab Republic
CEDAW/C/VUT/1-3	Combined initial, second and third periodic report of Vanuatu
C. Thirty-ninth session	
CEDAW/C/2007/III/1	Annotated provisional agenda

Document number	*Title or description*
CEDAW/C/2007/III/2	Report of the Secretary-General on the status of submission of reports by States parties under article 18 of the Convention
CEDAW/C/2007/III/3	Note by the Secretary-General on reports provided by specialized agencies on the implementation of the Convention in areas fallings within the scope of their activities
CEDAW/C/2007/III/3/Add.1	Report of the Food and Agriculture Organization of the United Nations
CEDAW/C/2007/III/3/Add.3	Report of the United Nations Educational, Scientific and Cultural Organization
CEDAW/C/2007/III/3/Add.4	Report of the International Labour Organization
CEDAW/C/2007/III/4	Report of the Secretariat on ways and means of expediting the work of the Committee
Reports of States parties	
CEDAW/C/COK/1	Initial report of Cook Islands
CEDAW/C/BLZ/3-4	Combined third and fourth periodic report of Belize
CEDAW/C/BRA/6	Sixth periodic report of Brazil
CEDAW/C/EST/4	Fourth periodic report of Estonia
CEDAW/C/GIN/4-6	Combined fourth, fifth and sixth periodic report of Guinea
CEDAW/C/HON/4-6	Combined fourth, fifth and sixth periodic report of Honduras
CEDAW/C/HUN/6	Sixth periodic report of Hungary
CEDAW/C/IDN/4-5	Combined fourth and fifth periodic report of Indonesia
CEDAW/C/JOR/3-4	Combined third and fourth periodic report of Jordan
CEDAW/C/KEN/6	Combined fifth and sixth periodic report of Kenya
CEDAW/C/LIE/2 and CEDAW/C/LIE/3	Second and third periodic reports of Liechtenstein
CEDAW/C/NZL/6	Sixth periodic report of New Zealand
CEDAW/C/NOR/7	Seventh periodic report of Norway
CEDAW/C/KOR/5 and CEDAW/C/KOR/6	Fifth and sixth periodic reports of Republic of Korea
CEDAW/C/SGP/3	Third periodic report of Singapore

Annex V

Membership of the Committee on the Elimination of Discrimination against Women

Name of member	*Country of nationality*	*Term of office expires on 31 December*
Ferdous Ara Begum	Bangladesh	2010
Magalys Arocha Dominguez	Cuba	2008
Meriem Belmihoub-Zerdani	Algeria	2010
Saisuree Chutikul	Thailand	2010
Dorcas Coker-Appiah	Ghana	2010
Mary Shanthi Dairiam	Malaysia	2008
Cornelis Flinterman	Netherlands	2010
Náela Gabr	Egypt	2010
Françoise Gaspard	France	2008
Ruth Halperin-Kaddari	Israel	2010
Tiziana Maiolo	Italy	2008
Violeta Neubauer	Slovenia	2010
Pramila Patten	Mauritius	2010
Silvia Pimentel	Brazil	2008
Fumiko Saiga	Japan	2010
Hanna Beate Schöpp-Schilling	Germany	2008
Heisoo Shin	Republic of Korea	2008
Glenda P. Simms	Jamaica	2008
Dubravka Šimonović	Croatia	2010
Anamah Tan	Singapore	2008
Maria Regina Tavares da Silva	Portugal	2008
Xiaoqiao Zou	China	2008

Annex VI

Status of submission and consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women, as at 31 August 2007

States parties	*Date due*[a]	*Date of submission*	*Considered by Committee (session (year))*
Afghanistan	4 April 2004		
Albania			
Initial report	10 June 1995	20 May 2002 (CEDAW/C/ALB/1-2)	Twenty-eighth (2003)
Second periodic report	10 June 1999	20 May 2002 (CEDAW/C/ALB/1-2)	Twenty-eighth (2003)
Third periodic report	10 June 2003		
Fourth periodic report	10 June 2007		
Algeria			
Initial report	21 June 1997	1 September 1998 (CEDAW/C/DZA/1) 1 December 1998 (CEDAW/C/DZA/Add.1)	Twentieth (1999)
Second periodic report	21 June 2001	29 January 2003 (CEDAW/C/DZA/2)	Thirty-second (2005)
Third periodic report	21 June 2005		
Andorra			
Initial report	14 February 1998	23 June 2000 (CEDAW/C/AND/1)	Twenty-fifth (2001)
Second periodic report	14 February 2002		
Third periodic report	14 February 2006		
Angola			
Initial report	17 October 1987	2 May 2002 (CEDAW/C/AGO/1-3)	Thirty-first (2004)
Second periodic report	17 October 1991	2 May 2002 (CEDAW/C/AGO/1-3)	Thirty-first (2004)

States parties	*Date due*[a]	*Date of submission*	*Considered by Committee (session (year))*
Third periodic report	17 October 1995	2 May 2002 (CEDAW/C/AGO/1-3)	Thirty-first (2004)
Fourth periodic report	17 October 1999	20 May 2004 (CEDAW/C/AGO/4-5)	Thirty-first (2004)
Fifth periodic report	17 October 2003	20 May 2004 (CEDAW/C/AGO/4-5)	Thirty-first (2004)
Antigua and Barbuda			
Initial report	31 August 1990	21 September 1994 (CEDAW/C/ANT/1-3)	Seventeenth (1997)
Second periodic report	31 August 1994	21 September 1994 (CEDAW/C/ANT/1-3)	Seventeenth (1997)
Third periodic report	31 August 1998	21 September 1994 (CEDAW/C/ANT/1-3)	Seventeenth (1997)
Fourth periodic report	31 August 2002		
Fifth periodic report	31 August 2006		
Argentina			
Initial report	14 August 1986	6 October 1986 (CEDAW/C/5/Add.39)	Seventh (1988)
Second periodic report	14 August 1990	13 February 1992 (CEDAW/C/ARG/2)	Seventeenth (1997)
		27 May 1994 (CEDAW/C/ARG/2/Add.1)	
		19 August 1994 (CEDAW/C/ARG/2/Add.2)	
Third periodic report	14 August 1994	1 October 1996 (CEDAW/C/ARG/3)	Seventeenth (1997)
Fourth periodic report	14 August 1998	18 January 2000 (CEDAW/C/ARG/4)	Exceptional (2002)
Fifth periodic report	14 August 2002	15 January 2002 (CEDAW/C/ARG/5)	Exceptional (2002)
Follow-up report	5 January 2004	29 January 2004 (CEDAW/C/ARG/follow-up to CEDAW/C/ARG/5)	Thirty-first (2004)
Sixth periodic report	14 August 2006		

States parties	*Date due*[a]	*Date of submission*	*Considered by Committee (session (year))*
Armenia			
Initial report	13 October 1994	30 November 1994 (CEDAW/C/ARM/1) 10 February 1997 (CEDAW/C/ARM/1/Corr.1)	Seventeenth (1997)
Second periodic report	13 October 1998	23 August 1999 (CEDAW/C/ARM/2)	Exceptional (2002)
Third periodic report	13 October 2002		
Fourth periodic report	13 October 2006		
Australia			
Initial report	27 August 1984	3 October 1986 (CEDAW/C/5/Add.40)	Seventh (1988)
Second periodic report	27 August 1988	24 July 1992 (CEDAW/C/AUL/2)	Thirteenth (1994)
Third periodic report	27 August 1992	1 March 1995 (CEDAW/C/AUL/3)	Seventeenth (1997)
Fourth periodic report	27 August 1996	29 January 2004 (CEDAW/C/AUL/4-5)	Thirty-fourth (2006)
Fifth periodic report	27 August 2000	29 January 2004 (CEDAW/C/AUL/4-5)	Thirty-fourth (2006)
Sixth periodic report	27 August 2004		
Austria			
Initial report	30 April 1983	20 October 1983 (CEDAW/C/5/Add.17)	Fourth (1985)
Second periodic report	30 April 1987	18 December 1989 (CEDAW/C/13/Add.27)	Tenth (1991)
Third periodic report	30 April 1991	25 April 1997 (CEDAW/C/AUT/3-4)	Twenty-third (2000)
Fourth periodic report	30 April 1995	25 April 1997 (CEDAW/C/AUT/3-4)	Twenty-third (2000)
Fifth periodic report	30 April 1999	20 September 1999 (CEDAW/C/AUT/5)	Twenty-third (2000)
Sixth periodic report	30 April 2003	11 October 2004 (CEDAW/C/AUT/6)	Thirty-seventh (2007)

States parties	*Date due*[a]	*Date of submission*	*Considered by Committee (session (year))*
Seventh periodic report	30 April 2007		
Azerbaijan			
Initial report	9 August 1996	11 September 1996 (CEDAW/C/AZE/1)	Eighteenth (1998)
Second periodic report	9 August 2000	7 January 2005 (CEDAW/C/AZE/2-3)	Thirty-seventh (2007)
Third periodic report	9 August 2004	7 January 2005 (CEDAW/C/AZE/2-3)	Thirty-seventh (2007)
Bahamas			
Initial report	5 November 1994		
Second periodic report	5 November 1998		
Third periodic report	5 November 2002		
Fourth periodic report	5 November 2006		
Bahrain			
Initial report	18 July 2003		
Second report	18 July 2007		
Bangladesh			
Initial report	6 December 1985	12 March 1986 (CEDAW/C/5/Add.34)	Sixth (1987)
Second periodic report	6 December 1989	23 February 1990 (CEDAW/C/13/Add.30)	Twelfth (1993)
Third periodic report	6 December 1993	27 March 1997 (CEDAW/C/BGD/3-4)	Seventeenth (1997)
Fourth periodic report	6 December 1997	27 March 1997 (CEDAW/C/BGD/3-4)	Seventeenth (1997)
Fifth periodic report	6 December 2001	27 December 2002 (CEDAW/C/BGD/5)	Thirty-first (2004)
Sixth periodic report	6 December 2005		
Barbados			
Initial report	3 September 1982	11 April 1990 (CEDAW/C/5/Add.64)	Eleventh (1992)

States parties	*Date due*[a]	*Date of submission*	*Considered by Committee (session (year))*
Second periodic report	3 September 1986	4 December 1991 (CEDAW/C/BAR/2-3)	Thirteenth (1994)
Third periodic report	3 September 1990	4 December 1991 (CEDAW/C/BAR/2-3)	Thirteenth (1994)
Fourth periodic report	3 September 1995	24 November 2000 (CEDAW/C/BAR/4)	Exceptional (2002)
Fifth periodic report	3 September 1999		
Sixth periodic report	3 September 2003		
Belarus			
Initial report	3 September 1982	4 October 1982 (CEDAW/C/5/Add.5)	Second (1983)
Second periodic report	3 September 1986	3 March 1987 (CEDAW/C/13/Add.5)	Eighth (1989)
Third periodic report	3 September 1990	1 July 1993 (CEDAW/C/BLR/3)	Twenty-second (2000)
Fourth periodic report	3 September 1994	19 December 2002 (CEDAW/C/BLR/4-6)	Thirtieth (2004)
Fifth periodic report	3 September 1998	19 December 2002 (CEDAW/C/BLR/4-6)	Thirtieth (2004)
Sixth periodic report	3 September 2002	19 December 2002 (CEDAW/C/BLR/4-6)	Thirtieth (2004)
Seventh periodic report	3 September 2006		
Belgium			
Initial report	9 August 1986	20 July 1987 (CEDAW/C/5/Add.53)	Eighth (1989)
Second periodic report	9 August 1990	9 February 1993 (CEDAW/C/BEL/2)	Fifteenth (1996)
Third periodic report	9 August 1994	29 September 1998 (CEDAW/C/BEL/3-4)	Twenty-seventh (2002)
Fourth periodic report	9 August 1998	29 September 1998 (CEDAW/C/BEL/3-4)	Twenty-seventh (2002)
Fifth periodic report	9 August 2002	9 May 2007 (CEDAW/C/BEL/6)	

States parties	*Date due*[a]	*Date of submission*	*Considered by Committee (session (year))*
Sixth periodic report	9 August 2006	9 May 2007 (CEDAW/C/BEL/6)	
Belize			
Initial report	15 June 1991	19 June 1996 (CEDAW/C/BLZ/1-2)	Twenty-first (1999)
Second periodic report	15 June 1995	19 June 1996 (CEDAW/C/BLZ/1-2)	Twenty-first (1999)
Third periodic report	15 June 1999	5 August 2005 (CEDAW/C/BLZ/3-4)	Thirty-ninth (2007)
Fourth periodic report	15 June 2003	5 August 2005 (CEDAW/C/BLZ/3-4)	Thirty-ninth (2007)
Fifth periodic report	15 June 2007		
Benin			
Initial report	11 April 1993	27 June 2002 (CEDAW/C/BEN/1-3)	Thirty-third (2005)
Second periodic report	11 April 1997	27 June 2002 (CEDAW/C/BEN/1-3)	Thirty-third (2005)
Third periodic report	11 April 2001	27 June 2002 (CEDAW/C/BEN/1-3)	Thirty-third (2005)
Fourth periodic report	11 April 2005		
Bhutan			
Initial report	30 September 1982	2 January 2003 (CEDAW/C/BTN/1-6) (CEDAW/C/BTN/1-6/Corr.1)	Thirtieth (2004)
Second periodic report	30 September 1986	2 January 2003 (CEDAW/C/BTN/1-6) (CEDAW/C/BTN/1-6/Corr.1)	Thirtieth (2004)
Third periodic report	30 September 1990	2 January 2003 (CEDAW/C/BTN/1-6) (CEDAW/C/BTN/1-6/Corr.1)	Thirtieth (2004)
Fourth periodic report	30 September 1994	2 January 2003 (CEDAW/C/BTN/1-6) (CEDAW/C/BTN/1-6/Corr.1)	Thirtieth (2004)
Fifth periodic report	30 September 1998	2 January 2003 (CEDAW/C/BTN/1-6) (CEDAW/C/BTN/1-6/Corr.1)	Thirtieth (2004)

States parties	*Date due*[a]	*Date of submission*	*Considered by Committee (session (year))*
Sixth periodic report	30 September 2002	2 January 2003 (CEDAW/C/BTN/1-6) (CEDAW/C/BTN/1-6/Corr.1)	Thirtieth (2004)
Seventh periodic report	30 September 2006	3 August 2007 (CEDAW/C/BTN/7)	
Bolivia			
Initial report	8 July 1991	8 July 1991 (CEDAW/C/BOL/1)	Fourteenth (1995)
		26 August 1993 (CEDAW/C/BOL/1/Add.1)	
Second periodic report	8 July 1995	16 December 2005 (CEDAW/C/BOL/2-4)	
Third periodic report	8 July 1999	16 December 2005 (CEDAW/C/BOL/2-4)	
Fourth periodic report	8 July 2003	16 December 2005 (CEDAW/C/BOL/2-4)	
Fifth periodic report	8 July 2007		
Bosnia and Herzegovina			
Initial report	1 October 1994	22 December 2004 (CEDAW/C/BIH/1-3)	Thirty-fifth (2006)
Second periodic report	1 October 1998	22 December 2004 (CEDAW/C/BIH/1-3)	Thirty-fifth (2006)
Third periodic report	1 October 2002	22 December 2004 (CEDAW/C/BIH/1-3)	Thirty-fifth (2006)
Fourth periodic report	1 October 2006		
Botswana			
Initial report	12 September 1997		
Second periodic report	12 September 2001		
Third periodic report	12 September 2005		
Brazil			
Initial report	2 March 1985	7 November 2002 (CEDAW/C/BRA/1-5)	Twenty-ninth (2003)

States parties	*Date due*[a]	*Date of submission*	*Considered by Committee (session (year))*
Second periodic report	2 March 1989	7 November 2002 (CEDAW/C/BRA/1-5)	Twenty-ninth (2003)
Third periodic report	2 March 1993	7 November 2002 (CEDAW/C/BRA/1-5)	Twenty-ninth (2003)
Fourth periodic report	2 March 1997	7 November 2002 (CEDAW/C/BRA/1-5)	Twenty-ninth (2003)
Fifth periodic report	2 March 2001	7 November 2002 (CEDAW/C/BRA/1-5)	Twenty-ninth (2003)
Sixth periodic report	2 March 2005	18 August 2006 (CEDAW/C/BRA/6)	Thirty-ninth (2007)
Brunei Darussalam			
Initial report	23 June 2007		
Bulgaria			
Initial report	10 March 1983	13 June 1983 (CEDAW/C/5/Add.15)	Fourth (1985)
Second periodic report	10 March 1987	6 September 1994 (CEDAW/C/BGR/2-3)	Eighteenth (1998)
Third periodic report	10 March 1991	6 September 1994 (CEDAW/C/BGR/2-3)	Eighteenth (1998)
Fourth periodic report	10 March 1995		
Fifth periodic report	10 March 1999		
Sixth periodic report	10 March 2003		
Seventh periodic report	10 March 2007		
Burkina Faso			
Initial report	13 November 1988	24 May 1990 (CEDAW/C/5/Add.67)	Tenth (1991)
Second periodic report	13 November 1992	11 December 1997 (CEDAW/C/BFA/2-3)	Twenty-second (2000)
Third periodic report	13 November 1996	11 December 1997 (CEDAW/C/BFA/2-3)	Twenty-second (2000)
Fourth periodic report	13 November 2000	4 August 2003 (CEDAW/C/BFA/4-5)	Thirty-third (2005)
Fifth periodic report	13 November 2004	4 August 2003 (CEDAW/C/BFA/4-5)	Thirty-third (2005)

States parties	*Date due*[a]	*Date of submission*	*Considered by Committee (session (year))*
Burundi			
Initial report	7 February 1993	1 June 2000 (CEDAW/C/BDI/1)	Twenty-fourth (2001)
Second periodic report	7 February 1997	29 September 2006 (CEDAW/C/BDI/1-4)	
Third periodic report	7 February 2001	29 September 2006 (CEDAW/C/BDI/1-4)	
Fourth periodic report	7 February 2005	29 September 2006 (CEDAW/C/BDI/1-4)	
Cambodia			
Initial report	14 November 1993	11 February 2004 (CEDAW/C/KHM/1-3)	Thirty-fourth (2006)
Second periodic report	14 November 1997	11 February 2004 (CEDAW/C/KHM/1-3)	Thirty-fourth (2006)
Third periodic report	14 November 2001	11 February 2004 (CEDAW/C/KHM/1-3)	Thirty-fourth (2006)
Fourth periodic report	14 November 2005		
Cameroon			
Initial report	22 September 1995	9 May 1999 (CEDAW/C/CMR/1)	Twenty-third (2000)
Second periodic report	22 September 1999	28 March 2007 (CEDAW/C/CMR/3)	
Third periodic report	22 September 2003	28 March 2007 (CEDAW/C/CMR/3)	
Fourth periodic report	22 September 2007		
Canada			
Initial report	9 January 1983	15 July 1983 (CEDAW/C/5/Add.16)	Second (1985)
Second periodic report	9 January 1987	20 January 1988 (CEDAW/C/13/Add.11)	Ninth (1990)
Third periodic report	9 January 1991	9 September 1992 (CEDAW/C/CAN/3)	Sixteenth (1997)
Fourth periodic report	9 January 1995	2 October 1995 (CEDAW/C/CAN/4)	Sixteenth (1997)

States parties	*Date due*[a]	*Date of submission*	*Considered by Committee (session (year))*
Fifth periodic report	9 January 1999	2 April 2002 (CEDAW/C/CAN/5) 17 December 2002 (CEDAW/C/CAN/5/Add.1)	Twenty-eighth (2003)
Sixth periodic report	9 January 2003	4 May 2007 (CEDAW/C/CAN/6-7)	
Seventh periodic report	9 January 2007	4 May 2007 (CEDAW/C/CAN/6-7)	
Cape Verde			
Initial report	3 September 1982	29 June 2005 (CEDAW/C/CPV/1-6)	Thirty-sixth (2006)
Second periodic report	3 September 1986	29 June 2005 (CEDAW/C/CPV/1-6)	Thirty-sixth (2006)
Third periodic report	3 September 1990	29 June 2005 (CEDAW/C/CPV/1-6)	Thirty-sixth (2006)
Fourth periodic report	3 September 1994	29 June 2005 (CEDAW/C/CPV/1-6)	Thirty-sixth (2006)
Fifth periodic report	3 September 1998	29 June 2005 (CEDAW/C/CPV/1-6)	Thirty-sixth (2006)
Sixth periodic report	3 September 2002	29 June 2005 (CEDAW/C/CPV/1-6)	Thirty-sixth (2006)
Seventh periodic report	3 September 2006		
Central African Republic			
Initial report	21 July 1992		
Second periodic report	21 July 1996		
Third periodic report	21 July 2000		
Fourth periodic report	21 July 2004		
Chad			
Initial report	9 July 1996		
Second periodic report	9 July 2000		
Third periodic report	9 July 2004		

States parties	*Date due*[a]	*Date of submission*	*Considered by Committee (session (year))*
Chile			
Initial report	6 January 1991	3 September 1991 (CEDAW/C/CHI/1)	Fourteenth (1995)
Second periodic report	6 January 1995	9 March 1995 (CEDAW/C/CHI/2)	Twenty-first (1999)
Third periodic report	6 January 1999	1 November 1999 (CEDAW/C/CHI/3)	Twenty-first (1999)
Fourth periodic report	6 January 2003	17 May 2004 (CEDAW/C/CHI/4)	Thirty-sixth (2006)
Fifth periodic report	6 January 2007		
China			
Initial report	3 September 1982	25 May 1983 (CEDAW/C/5/Add.14)	Third (1984)
Second periodic report	3 September 1986	22 June 1989 (CEDAW/C/13/Add.26)	Eleventh (1992)
Third periodic report	3 September 1990	29 May 1997 (CEDAW/C/CHN/3-4)	Twentieth (1999)
		31 August 1998 (CEDAW/C/CHN/3-4/Add.1 and Add.2)	
Fourth periodic report	3 September 1994	29 May 1997 (CEDAW/C/CHN/3-4)	Twentieth (1999)
		31 August 1998 (CEDAW/C/CHN/3-4/Add.1 and Add.2)	
Fifth periodic report	3 September 1998	4 February 2004 (CEDAW/C/CHN/5-6 and Add.1 and Add.2)	Twenty-sixth (2006)
Sixth periodic report	3 September 2002	4 February 2004 (CEDAW/C/CHN/5-6 and Add.1 and Add.2)	Twenty-sixth (2006)
Seventh periodic report	3 September 2006		
Colombia			
Initial report	18 February 1983	16 January 1986 (CEDAW/C/5/Add.32)	Sixth (1987)

States parties	*Date due*[a]	*Date of submission*	*Considered by Committee (session (year))*
Second periodic report	18 February 1987	14 January 1993 (CEDAW/C/COL/2-3)	Thirteenth (1994)
		2 September 1993 (CEDAW/C/COL/2-3/Rev.1)	
Third periodic report	18 February 1991	14 January 1993 (CEDAW/C/COL/2-3)	Thirteenth (1994)
		2 September 1993 (CEDAW/C/COL/2-3/Rev.1)	
Fourth periodic report	18 February 1995	8 July 1997 (CEDAW/C/COL/4)	Twentieth (1999)
		13 October 1998 (CEDAW/C/COL/4/Add.1)	
Fifth periodic report	18 February 1999	6 March 2005 (CEDAW/C/COL/5-6)	Thirty-seventh (2007)
Sixth periodic report	18 February 2003	6 March 2005 (CEDAW/C/COL/5-6)	Thirty-seventh (2007)
Comoros			
Initial report	30 November 1995		
Second periodic report	30 November 1999		
Third periodic report	30 November 2003		
Congo			
Initial report	25 August 1983	8 April 2002 (CEDAW/C/COG/1-5)	Twenty-eighth (2003)
Second periodic report	25 August 1987	8 April 2002 (CEDAW/C/COG/1-5)	Twenty-eighth (2003)
Third periodic report	25 August 1991	8 April 2002 (CEDAW/C/COG/1-5)	Twenty-eighth (2003)
Fourth periodic report	25 August 1995	8 April 2002 (CEDAW/C/COG/1-5)	Twenty-eighth (2003)
Fifth periodic report	25 August 1999	8 April 2002 (CEDAW/C/COG/1-5)	Twenty-eighth (2003)
Sixth periodic report	25 August 2003		
Seventh periodic report	25 August 2007		

States parties	*Date due*[a]	*Date of submission*	*Considered by Committee (session (year))*
Cook Islands			
Initial report	10 September 2007	28 August 2006 (CEDAW/C/COK/1)	Thirty-ninth (2007)
Costa Rica			
Initial report	4 May 1987	10 July 2001 (CEDAW/C/CRI/1-3)	Twenty-ninth (2003)
Second periodic report	4 May 1991	10 July 2001 (CEDAW/C/CRI/1-3)	Twenty-ninth (2003)
Third periodic report	4 May 1995	10 July 2001 (CEDAW/C/CRI/1-3)	Twenty-ninth (2003)
Fourth periodic report	4 May 1999	21 November 2002 (CEDAW/C/CRI/4)	Twenty-ninth (2003)
Fifth periodic report	4 May 2003		
Sixth periodic report	4 May 2007		
Côte d'Ivoire			
Initial report	17 January 1997		
Second periodic report	17 January 2001		
Third periodic report	17 January 2005		
Croatia			
Initial report	9 October 1993	10 January 1995 (CEDAW/C/CRO/1)	Eighteenth (1998)
Second periodic report	9 October 1997	17 October 2003 (CEDAW/C/CRO/2-3)	Thirty-second (2005)
Third periodic report	9 October 2001	17 October 2003 (CEDAW/C/CRO/2-3)	Thirty-second (2005)
Fourth periodic report	9 October 2005		
Cuba			
Initial report	3 September 1982	27 September 1982 (CEDAW/C/5/Add.4)	Second (1983)
Second periodic report	3 September 1986	13 March 1992 (CEDAW/C/CUB/2-3) 30 November 1995 (CEDAW/C/CUB/2-3/Add.1)	Fifteenth (1996)

States parties	*Date due*[a]	*Date of submission*	*Considered by Committee (session (year))*
Third periodic report	3 September 1990	13 March 1992 (CEDAW/C/CUB/2-3) 30 November 1995 (CEDAW/C/CUB/2-3/Add.1)	Fifteenth (1996)
Fourth periodic report	3 September 1994	27 September 1999 (CEDAW/C/CUB/4)	Twenty-third (2000)
Fifth periodic report	3 September 1998	18 January 2005 (CEDAW/C/CUB/5-6)	Thirty-sixth (2006)
Sixth periodic report	3 September 2002	18 January 2005 (CEDAW/C/CUB/5-6)	Thirty-sixth (2006)
Seventh periodic report	3 September 2006		
Cyprus			
Initial report	22 August 1986	2 February 1994 (CEDAW/C/CYP/1-2)	Fifteenth (1996)
Second periodic report	22 August 1990	2 February 1994 (CEDAW/C/CYP/1-2)	Fifteenth (1996)
Third periodic report	22 August 1994	4 March 2004 (CEDAW/C/CYP/3-5)	Thirty-fifth (2006)
Fourth periodic report	22 August 1998	4 March 2004 (CEDAW/C/CYP/3-5)	Thirty-fifth (2006)
Fifth periodic report	22 August 2002	4 March 2004 (CEDAW/C/CYP/3-5)	Thirty-fifth (2006)
Sixth periodic report	22 August 2006		
Czech Republic			
Initial report	24 March 1994	30 October 1995 (CEDAW/C/CZE/1)	Eighteenth (1998)
Second periodic report	24 March 1997	10 March 2000 (CEDAW/C/CZE/2)	Exceptional (2002)
Third periodic report	24 March 2001	31 August 2004 (CEDAW/C/CZE/3)	Thirty-sixth (2006)
Fourth periodic report	24 March 2005		

States parties	*Date due*[a]	*Date of submission*	*Considered by Committee (session (year))*
Democratic People's Republic of Korea			
Initial report	27 March 2002	11 September 2002 (CEDAW/C/PRK/1)	Thirty-third (2005)
Second periodic report	27 March 2006		
Democratic Republic of the Congo[b]			
Initial report	16 November 1987	1 March 1994 (CEDAW/C/ZAR/1)	Twenty-second (2000)
Second periodic report	16 November 1991	24 October 1996 (CEDAW/C/ZAR/2)	Twenty-second (2000)
		27 August 1998 (CEDAW/C/ZAR/2/Add.1)	
Third periodic report	16 November 1995	18 June 1999 (CEDAW/C/COD/3)	Twenty-second (2000)
Fourth periodic report	16 November 1999	11 August 2004 (CEDAW/C/COD/4-5)	Thirty-sixth (2006)
Fifth periodic report	16 November 2003	11 August 2004 (CEDAW/C/COD/4-5)	Thirty-sixth (2006)
Denmark			
Initial report	21 May 1984	30 July 1984 (CEDAW/C/5/Add.22)	Fifth (1986)
Second periodic report	21 May 1988	2 June 1988 (CEDAW/C/13/Add.14)	Tenth (1991)
Third periodic report	21 May 1992	7 May 1993 (CEDAW/C/DEN/3)	Sixteenth (1997)
Fourth periodic report	21 May 1996	9 January 1997 (CEDAW/C/DEN/4)	Twenty-seventh (2002)
Fifth periodic report	21 May 2000	13 June 2000 (CEDAW/C/DEN/5)	Twenty-seventh (2002)
		10 October 2001 (CEDAW/C/DEN/5/Add.1)	Twenty-seventh (2002)
Sixth periodic report	21 May 2004	28 July 2004 (CEDAW/C/DEN/6)	Thirty-sixth (2006)

States parties	*Date due*[a]	*Date of submission*	*Considered by Committee (session (year))*
Djibouti			
Initial report	2 January 2000		
Second periodic report	2 January 2004		
Dominica			
Initial report	3 September 1982		
Second periodic report	3 September 1986		
Third periodic report	3 September 1990		
Fourth periodic report	3 September 1994		
Fifth periodic report	3 September 1998		
Sixth periodic report	3 September 2002		
Seventh periodic report	3 September 2006		
Dominican Republic			
Initial report	2 October 1983	2 May 1986 (CEDAW/C/5/Add.37)	Seventh (1988)
Second periodic report	2 October 1987	26 April 1993 (CEDAW/C/DOM/2-3)	Eighteenth (1998)
Third periodic report	2 October 1991	26 April 1993 (CEDAW/C/DOM/2-3)	Eighteenth (1998)
Fourth periodic report	2 October 1995	29 October 1997 (CEDAW/C/DOM/4)	Eighteenth (1998)
Fifth periodic report	2 October 1999	11 April 2003 (CEDAW/C/DOM/5)	Thirty-first (2004)
Sixth periodic report	2 September 2003		
Ecuador			
Initial report	9 December 1982	14 August 1984 (CEDAW/C/5/Add.23)	Fifth (1986)
Second periodic report	9 December 1986	28 May 1990 (CEDAW/C/13/Add.31)	Thirteenth (1994)
Third periodic report	9 December 1990	23 December 1991 (CEDAW/C/ECU/3)	Thirteenth (1994)
Fourth periodic report	9 December 1994	8 January 2002 (CEDAW/C/ECU/4-5)	Twenty-ninth (2003)

States parties	*Date due*[a]	*Date of submission*	*Considered by Committee (session (year))*
Fifth periodic report	9 December 1998	8 January 2002 (CEDAW/C/ECU/4-5)	Twenty-ninth (2003)
Sixth periodic report	9 December 2002	23 February 2007 (CEDAW/C/ECU/6-7)	
Seventh periodic report	9 December 2006	23 February 2007 (CEDAW/C/ECU/6-7)	
Egypt			
Initial report	18 October 1982	2 February 1983 (CEDAW/C/5/Add.10)	Third (1984)
Second periodic report	18 October 1986	19 December 1986 (CEDAW/C/13/Add.2)	Ninth (1990)
Third periodic report	18 October 1990	30 January 1996 (CEDAW/C/EGY/3)	Twenty-fourth (2001)
Fourth periodic report	18 October 1994	30 March 2000 (CEDAW/C/EGY/4-5)	Twenty-fourth (2001)
Fifth periodic report	18 October 1998	30 March 2000 (CEDAW/C/EGY/4-5)	Twenty-fourth (2001)
Sixth periodic report	18 October 2002		
Seventh periodic report	18 October 2006		
El Salvador			
Initial report	18 September 1982	3 November 1983 (CEDAW/C/5/Add.19)	Fifth (1986)
Second periodic report	18 September 1986	18 December 1987 (CEDAW/C/13/Add.12)	Eleventh (1992)
Third periodic report	18 September 1990	26 July 2001 (CEDAW/C/SLV/3-4)	Twenty-eighth (2003)
Fourth periodic report	18 September 1994	26 July 2001 (CEDAW/C/SLV/3-4)	Twenty-eighth (2003)
Fifth periodic report	18 September 1998	26 July 2001 (CEDAW/C/SLV/5)	Twenty-eighth (2003)
Sixth periodic report	18 September 2002	2 November 2002 (CEDAW/C/SLV/6)	Twenty-eighth (2003)
Seventh periodic report	18 September 2006	15 March 2007 (CEDAW/C/SLV/7)	

States parties	*Date due*[a]	*Date of submission*	*Considered by Committee (session (year))*
Equatorial Guinea			
Initial report	22 November 1985	16 March 1987 (CEDAW/C/5/Add.50)	Eighth (1989)
Second periodic report	22 November 1989	6 January 1994 (CEDAW/C/GNQ/2-3)	Thirty-first (2004)
Third periodic report	22 November 1993	6 January 1994 (CEDAW/C/GNQ/2-3)	Thirty-first (2004)
Fourth periodic report	22 November 1997	22 January 2004 (CEDAW/C/GNQ/4-5)	Thirty-first (2004)
Fifth periodic report	22 November 2001	22 January 2004 (CEDAW/C/GNQ/4-5)	Thirty-first (2004)
Sixth periodic report	22 November 2005		
Eritrea			
Initial report	5 October 1996	8 January 2004 (CEDAW/C/ERI/1-3)	Thirty-fourth (2006)
Second periodic report	5 October 2000	8 January 2004 (CEDAW/C/ERI/1-3)	Thirty-fourth (2006)
Third periodic report	5 October 2004	8 January 2004 (CEDAW/C/ERI/1-3)	Thirty-fourth (2006)
Estonia			
Initial report	20 November 1992	14 June 2001 (CEDAW/C/EST/1-3)	Twenty-sixth (2002)
Second periodic report	20 November 1996	14 June 2001 (CEDAW/C/EST/1-3)	Twenty-sixth (2002)
Third periodic report	20 November 2000	14 June 2001 (CEDAW/C/EST/1-3)	Twenty-sixth (2002)
Fourth periodic report	20 November 2004	5 October 2005 (CEDAW/C/EST/4)	Thirty-ninth (2007)
Ethiopia			
Initial report	10 October 1982	22 April 1993 (CEDAW/C/ETH/1-3) 16 October 1995 (CEDAW/C/ETH/1-3/Add.1)	Fifteenth (1996)

States parties	*Date due*[a]	*Date of submission*	*Considered by Committee (session (year))*
Second periodic report	10 October 1986	22 April 1993 (CEDAW/C/ETH/1-3) 16 October 1995 (CEDAW/C/ETH/1-3/Add.1)	Fifteenth (1996)
Third periodic report	10 October 1990	22 April 1993 (CEDAW/C/ETH/1-3) 16 October 1995 (CEDAW/C/ETH/1-3/Add.1)	Fifteenth (1996)
Fourth periodic report	10 October 1994	25 September 2002 (CEDAW/C/ETH/4-5)	Thirtieth (2004)
Fifth periodic report	10 October 1998	25 September 2002 (CEDAW/C/ETH/4-5)	Thirtieth (2004)
Sixth periodic report	10 October 2002		
Seventh periodic report	10 October 2006		
Fiji			
Initial report	27 September 1996	29 February 2000 (CEDAW/C/FJI/1)	Twenty-sixth (2002)
Second periodic report	27 September 2000		
Third periodic report	27 September 2004		
Finland			
Initial report	4 October 1987	16 February 1988 (CEDAW/C/5/Add.56)	Eighth (1989)
Second periodic report	4 October 1991	9 February 1993 (CEDAW/C/FIN/2)	Fourteenth (1995)
Third periodic report	4 October 1995	28 January 1997 (CEDAW/C/FIN/3)	Twenty-fourth (2001)
Fourth periodic report	4 October 1999	23 November 1999 (CEDAW/C/FIN/4)	Twenty-fourth (2001)
Fifth periodic report	4 October 2003	23 February 2004 (CEDAW/C/FIN/5)	

States parties	*Date due*[a]	*Date of submission*	*Considered by Committee (session (year))*
France			
Initial report	13 January 1985	13 February 1986 (CEDAW/C/5/Add.33)	Sixth (1987)
Second periodic report	13 January 1989	10 December 1990 (CEDAW/C/FRA/2) (CEDAW/C/FRA/2/Rev.1)	Twelfth (1993)
Third periodic report	13 January 1993	5 October 1999 (CEDAW/C/FRA/3-4) (CEDAW/C/FRA/3-4/Corr.1)	Twenty-ninth (2003)
Fourth periodic report	13 January 1997	5 October 1999 (CEDAW/C/FRA/3-4) (CEDAW/C/FRA/3-4/Corr.1)	Twenty-ninth (2003)
Fifth periodic report	13 January 2001	27 August 2002 (CEDAW/C/FRA/5)	Twenty-ninth (2003)
Sixth periodic report	13 January 2005	17 March 2006 (CEDAW/C/FRA/6)	
Gabon			
Initial report	20 February 1984	19 June 1987 (CEDAW/C/5/Add.54)	Eighth (1989)
Second periodic report	20 February 1988	4 June 2003 (CEDAW/C/GAB/2-5)	Thirty-second (2005)
Third periodic report	20 February 1992	4 June 2003 (CEDAW/C/GAB/2-5)	Thirty-second (2005)
Fourth periodic report	20 February 1996	4 June 2003 (CEDAW/C/GAB/2-5)	Thirty-second (2005)
Fifth periodic report	20 February 2000	4 June 2003 (CEDAW/C/GAB/2-5)	Thirty-second (2005)
Sixth periodic report	20 February 2004		
Gambia			
Initial report	16 May 1994	4 April 2003 (CEDAW/C/GMB/1-3)	Thirty-third (2005)
Second periodic report	16 May 1998	4 April 2003 (CEDAW/C/GMB/1-3)	Thirty-third (2005)
Third periodic report	16 May 2002	4 April 2003 (CEDAW/C/GMB/1-3)	Thirty-third (2005)

States parties	*Date due*[a]	*Date of submission*	*Considered by Committee (session (year))*
Fourth periodic report	16 May 2006		
Georgia			
Initial report	25 November 1995	9 March 1998 (CEDAW/C/GEO/1) 6 April 1999 (CEDAW/C/GEO/1/Add.1) 1 May 1999 (CEDAW/C/GEO/1/Add.1/Corr.1)	Twenty-first (1999)
Second periodic report	25 November 1999	16 April 2004 (CEDAW/C/GEO/2-3)	Thirty-sixth (2006)
Third periodic report	25 November 2003	16 April 2004 (CEDAW/C/GEO/2-3)	Thirty-sixth (2006)
Germany			
Initial report	9 August 1986	15 September 1988 (CEDAW/C/5/Add.59)	Ninth (1990)
Second periodic report	9 August 1990	8 October 1996 (CEDAW/C/DEU/2-3)	Twenty-second (2000)
Third periodic report	9 August 1994	8 October 1996 (CEDAW/C/DEU/2-3)	Twenty-second (2000)
Fourth periodic report	9 August 1998	27 October 1998 (CEDAW/C/DEU/4)	Twenty-second (2000)
Fifth periodic report	9 August 2002	28 January 2003 (CEDAW/C/DEU/2-3)	Thirtieth (2004)
Sixth periodic report	9 August 2006		
Ghana			
Initial report	1 February 1987	29 January 1991 (CEDAW/C/GHA/1-2)	Eleventh (1992)
Second periodic report	1 February 1991	29 January 1991 (CEDAW/C/GHA/1-2)	Eleventh (1992)
Third periodic report	1 February 1995	23 February 2005 (CEDAW/C/GHA/3-5)	Thirty-sixth (2006)
Fourth periodic report	1 February 1999	23 February 2005 (CEDAW/C/GHA/3-5)	Thirty-sixth (2006)

States parties	*Date due*[a]	*Date of submission*	*Considered by Committee (session (year))*
Fifth periodic report	1 February 2003	23 February 2005 (CEDAW/C/GHA/3-5)	Thirty-sixth (2006)
Sixth periodic report	1 February 2007		
Greece			
Initial report	7 July 1984	5 April 1985 (CEDAW/C/5/Add.28)	Sixth (1987)
Second periodic report	7 July 1988	1 March 1996 (CEDAW/C/GRC/2-3)	Twentieth (1999)
Third periodic report	7 July 1992	1 March 1996 (CEDAW/C/GRC/2-3)	Twentieth (1999)
Fourth periodic report	7 July 1996	19 April 2001 (CEDAW/C/GRC/4-5)	Exceptional (2002)
Fifth periodic report	7 July 2000	19 April 2001 (CEDAW/C/GRC/4-5)	Exceptional (2002)
Sixth periodic report	7 July 2004	2 June 2005 (CEDAW/C/GRC/6)	Thirty-seventh (2007)
Grenada			
Initial report	29 September 1991		
Second periodic report	29 September 1995		
Third periodic report	29 September 1999		
Fourth periodic report	29 September 2003		
Guatemala			
Initial report	11 September 1983	2 April 1991 (CEDAW/C/GUA/1-2) 7 April 1993 (CEDAW/C/GUA/1-2/Amend.1)	Thirteenth (1994)
Second periodic report	11 September 1987	2 April 1991 (CEDAW/C/GUA/1-2) 7 April 1993 (CEDAW/C/GUA/1-2/Amend.1)	Thirteenth (1994)
Third periodic report	11 September 1991	20 March 2001 (CEDAW/C/GUA/3-4)	Exceptional (2002)
Fourth periodic report	11 September 1995	20 March 2001 (CEDAW/C/GUA/3-4)	Exceptional (2002)

States parties	*Date due*[a]	*Date of submission*	*Considered by Committee (session (year))*
Fifth periodic report	11 September 1999	15 January 2002 (CEDAW/C/GUA/5)	Exceptional (2002)
Sixth periodic report	11 September 2003	7 January 2004 (CEDAW/C/GUA/6)	Thirty-fifth (2006)
Guinea			
Initial report	8 September 1983	4 August 2000 (CEDAW/C/GIN/1-3)	Twenty-fifth (2001)
Second periodic report	8 September 1987	4 August 2000 (CEDAW/C/GIN/1-3)	Twenty-fifth (2001)
Third periodic report	8 September 1991	4 August 2000 (CEDAW/C/GIN/1-3)	Twenty-fifth (2001)
Fourth periodic report	8 September 1995	4 August 2005 (CEDAW/C/GIN/4-6)	Thirty-ninth (2007)
Fifth periodic report	8 September 1999	4 August 2005 (CEDAW/C/GIN/4-6)	Thirty-ninth (2007)
Sixth periodic report	8 September 2003	4 August 2005 (CEDAW/C/GIN/4-6)	Thirty-ninth (2007)
Guinea-Bissau			
Initial report	22 September 1986		
Second periodic report	22 September 1990		
Third periodic report	22 September 1994		
Fourth periodic report	22 September 1998		
Fifth periodic report	22 September 2002		
Sixth periodic report	22 September 2006		
Guyana			
Initial report	3 September 1982	23 January 1990 (CEDAW/C/5/Add.63)	Thirteenth (1994)
Second periodic report	3 September 1986	20 September 1999 (CEDAW/C/GUY/2)	Twenty-fifth (2001)
Third periodic report	3 September 1990	27 June 2003 (CEDAW/C/GUY/3-6)	Thirty-third (2005)
Fourth periodic report	3 September 1994	27 June 2003 (CEDAW/C/GUY/3-6)	Thirty-third (2005)

States parties	*Date due*[a]	*Date of submission*	*Considered by Committee (session (year))*
Fifth periodic report	3 September 1998	27 June 2003 (CEDAW/C/GUY/3-6)	Thirty-third (2005)
Sixth periodic report	3 September 2002	27 June 2003 (CEDAW/C/GUY/3-6)	Thirty-third (2005)
Seventh periodic report	3 September 2006		
Haiti			
Initial report	20 September 1982		
Second periodic report	20 September 1986		
Third periodic report	20 September 1990		
Fourth periodic report	20 September 1994		
Fifth periodic report	20 September 1998		
Sixth periodic report	20 September 2002		
Seventh periodic report	20 September 2006		
Honduras			
Initial report	2 April 1984	3 December 1986 (CEDAW/C/5/Add.44)	Eleventh (1992)
Second periodic report	2 April 1988	28 October 1987 (CEDAW/C/13/Add.9)	Eleventh (1992)
Third periodic report	2 April 1992	31 May 1991 (CEDAW/C/HON/3)	Eleventh (1992)
Fourth periodic report	2 April 1996	31 January 2006 (CEDAW/C/HON/4-6)	Thirty-ninth (2007)
Fifth periodic report	2 April 2000	31 January 2006 (CEDAW/C/HON/4-6)	Thirty-ninth (2007)
Sixth periodic report	2 April 2004	31 January 2006 (CEDAW/C/HON/4-6)	Thirty-ninth (2007)
Hungary			
Initial report	3 September 1982	20 September 1982 (CEDAW/C/5/Add.3)	Third (1984)
Second periodic report	3 September 1986	29 September 1986 (CEDAW/C/13/Add.1)	Seventh (1988)

States parties	*Date due*[a]	*Date of submission*	*Considered by Committee (session (year))*
Third periodic report	3 September 1990	4 April 1991 (CEDAW/C/HUN/3)	Fifteenth (1996)
		3 November 1995 (CEDAW/C/HUN/3/Add.1)	
Fourth periodic report	3 September 1994	19 September 2000 (CEDAW/C/HUN/4-5)	Exceptional (2002)
Fifth periodic report	3 September 1998	19 September 2000 (CEDAW/C/HUN/4-5)	Exceptional (2002)
Sixth periodic report	3 September 2002	24 May 2006 (CEDAW/C/HUN/6)	Thirty-ninth (2007)
Seventh periodic report	3 September 2006		
Iceland			
Initial report	18 July 1986	5 May 1993 (CEDAW/C/ICE/1-2)	Fifteenth (1996)
Second periodic report	18 July 1990	5 May 1993 (CEDAW/C/ICE/1-2)	Fifteenth (1996)
Third periodic report	18 July 1994	15 July 1998 (CEDAW/C/ICE/3-4)	Twenty-sixth (2002)
Fourth periodic report	18 July 1998	15 July 1998 (CEDAW/C/ICE/3-4)	Twenty-sixth (2002)
Fifth periodic report	18 July 2002	14 November 2003 (CEDAW/C/ICE/5)	
Sixth periodic report	18 July 2006		
India			
Initial report	8 August 1994	2 February 1999 (CEDAW/C/IND/1)	Twenty-second (2000)
Second periodic report	8 August 1998	18 October 2005 (CEDAW/C/IND/2-3)	Thirty-seventh (2007)
Third periodic report	8 August 2002	18 October 2005 (CEDAW/C/IND/2-3)	Thirty-seventh (2007)
Fourth periodic report	8 August 2006		

States parties	*Date due*[a]	*Date of submission*	*Considered by Committee (session (year))*
Indonesia			
Initial report	13 October 1985	17 March 1986 (CEDAW/C/5/Add.36)	Seventh (1988)
Second periodic report	13 October 1989	6 February 1997 (CEDAW/C/IDN/2-3)	Eighteenth (1998)
Third periodic report	13 October 1993	6 February 1997 (CEDAW/C/IDN/2-3)	Eighteenth (1998)
Fourth periodic report	13 October 1997	20 June 2005 (CEDAW/C/IDN/4-5)	Thirty-ninth (2007)
Fifth periodic report	13 October 2001	20 June 2005 (CEDAW/C/IDN/4-5)	Thirty-ninth (2007)
Sixth periodic report	13 October 2005		
Iraq			
Initial report	12 September 1987	16 May 1990 (CEDAW/C/5/Add.66/Rev.1)	Twelfth (1993)
Second periodic report	12 September 1991	13 October 1998 (CEDAW/C/IRQ/2-3)	Twenty-third (2000)
Third periodic report	12 September 1995	13 October 1998 (CEDAW/C/IRQ/2-3)	Twenty-third (2000)
Fourth periodic report	12 September 1999		
Fifth periodic report	12 September 2003		
Ireland			
Initial report	22 January 1987	18 February 1987 (CEDAW/C/5/Add.47)	Eighth (1989)
Second periodic report	22 January 1991	7 August 1997 (CEDAW/C/IRL/2-3)	Twenty-first (1999)
Third periodic report	22 January 1995	7 August 1997 (CEDAW/C/IRL/2-3)	Twenty-first (1999)
Fourth periodic report	22 January 1999	10 June 2003 (CEDAW/C/IRL/4-5)	Thirty-third (2005)
Fifth periodic report	22 January 2003	10 June 2003 (CEDAW/C/IRL/4-5)	Thirty-third (2005)
Sixth periodic report	22 January 2007		

States parties	*Date due*[a]	*Date of submission*	*Considered by Committee (session (year))*
Israel			
Initial report	2 November 1992	7 April 1997 (CEDAW/C/ISR/1-2)	Seventeenth (1997)
Second periodic report	2 November 1996	7 April 1997 (CEDAW/C/ISR/1-2)	Seventeenth (1997)
Third periodic report	2 November 2000	22 October 2001 (CEDAW/C/ISR/3)	Thirty-third (2005)
Fourth periodic report	2 November 2004	1 June 2005 (CEDAW/C/ISR/4)	
Italy			
Initial report	10 July 1986	20 October 1989 (CEDAW/C/5/Add.62)	Tenth (1991)
Second periodic report	10 July 1990	1 November 1996 (CEDAW/C/ITA/2)	Seventeenth (1997)
Third periodic report	10 July 1994	9 June 1997 (CEDAW/C/ITA/3)	Seventeenth (1997)
Fourth periodic report	10 July 1998	22 December 2003 (CEDAW/C/ITA/4-5)	Thirty-second (2005)
Fifth periodic report	10 July 2002	22 December 2003 (CEDAW/C/ITA/4-5)	Thirty-second (2005)
Sixth periodic report	10 July 2006		
Jamaica			
Initial report	18 November 1985	12 September 1986 (CEDAW/C/5/Add.38)	Seventh (1988)
Second periodic report	18 November 1989	17 February 1998 (CEDAW/C/JAM/2-4)	Twenty-fourth (2001)
Third periodic report	18 November 1993	17 February 1998 (CEDAW/C/JAM/2-4)	Twenty-fourth (2001)
Fourth periodic report	18 November 1997	17 February 1998 (CEDAW/C/JAM/2-4)	Twenty-fourth (2001)
Fifth periodic report	18 November 2001	13 February 2004 (CEDAW/C/JAM/5)	Thirty-sixth (2006)
Sixth periodic report	18 November 2005		

States parties	*Date due*[a]	*Date of submission*	*Considered by Committee (session (year))*
Japan			
Initial report	25 July 1986	13 March 1987 (CEDAW/C/5/Add.48)	Seventh (1988)
Second periodic report	25 July 1990	21 February 1992 (CEDAW/C/JPN/2)	Thirteenth (1994)
Third periodic report	25 July 1994	28 October 1993 (CEDAW/C/JPN/3)	Thirteenth (1994)
Fourth periodic report	25 July 1998	24 July 1998 (CEDAW/C/JPN/4)	Twenty-ninth (2003)
Fifth periodic report	25 July 2002	13 September 2002 (CEDAW/C/JPN/5)	Twenty-ninth (2003)
Sixth periodic report	25 July 2006		
Jordan			
Initial report	31 July 1993	27 October 1997 (CEDAW/C/JOR/1)	Twenty-second (2000)
Second periodic report	31 July 1997	19 November 1999 (CEDAW/C/JOR/2)	Twenty-second (2000)
Third periodic report	31 July 2001	12 December 2005 (CEDAW/C/JOR/3-4)	Thirty-ninth (2007)
Fourth periodic report	31 July 2005	12 December 2005 (CEDAW/C/JOR/3-4)	Thirty-ninth (2007)
Kazakhstan			
Initial report	25 September 1999	26 January 2000 (CEDAW/C/KAZ/1)	Twenty-fourth (2001)
Second periodic report	25 September 2003	3 March 2005 (CEDAW/C/KAZ/2)	Thirty-seventh (2007)
Kenya			
Initial report	8 April 1985	4 December 1990 (CEDAW/C/KEN/1-2)	Twelfth (1993)
Second periodic report	8 April 1989	4 December 1990 (CEDAW/C/KEN/1-2)	Twelfth (1993)
Third periodic report	8 April 1993	5 January 2000 (CEDAW/C/KEN/3-4)	Twenty-eighth (2003)

States parties	*Date due*[a]	*Date of submission*	*Considered by Committee (session (year))*
Fourth periodic report	8 April 1997	5 January 2000 (CEDAW/C/KEN/3-4)	Twenty-eighth (2003)
Fifth periodic report	8 April 2001	14 March 2006 (CEDAW/C/KEN/6)	Thirty-ninth (2007)
Sixth periodic report	8 April 2005	14 March 2006 (CEDAW/C/KEN/6)	Thirty-ninth (2007)
Kiribati			
Initial report	16 April 2005		
Kuwait			
Initial report	2 October 1995	29 August 2002 (CEDAW/C/KWT/1-2)	Thirtieth (2004)
Second periodic report	2 October 1999	29 August 2002 (CEDAW/C/KWT/1-2)	Thirtieth (2004)
Third periodic report	2 October 2003		
Kyrgyzstan			
Initial report	12 March 1998	26 August 1998 (CEDAW/C/KGZ/1)	Twentieth (1999)
Second periodic report	12 March 2002	25 September 2002 (CEDAW/C/KGZ/2) (CEDAW/C/KGZ/2/Add.1)	Thirtieth (2004)
Third periodic report	12 March 2006	27 February 2007 (CEDAW/C/KGZ/3)	
Lao People's Democratic Republic			
Initial report	13 September 1982	3 February 2003 (CEDAW/C/LAO/1-5)	Thirty-second (2005)
Second periodic report	13 September 1986	3 February 2003 (CEDAW/C/LAO/1-5)	Thirty-second (2005)
Third periodic report	13 September 1990	3 February 2003 (CEDAW/C/LAO/1-5)	Thirty-second (2005)
Fourth periodic report	13 September 1994	3 February 2003 (CEDAW/C/LAO/1-5)	Thirty-second (2005)
Fifth periodic report	13 September 1998	3 February 2003 (CEDAW/C/LAO/1-5)	Thirty-second (2005)
Sixth periodic report	13 September 2002		

States parties	Date due[a]	Date of submission	Considered by Committee (session (year))
Seventh periodic report	13 September 2006		
Latvia			
Initial report	14 May 1993	13 June 2003 (CEDAW/C/LVA/1-3)	Thirty-first (2004)
Second periodic report	14 May 1997	13 June 2003 (CEDAW/C/LVA/1-3)	Thirty-first (2004)
Third periodic report	14 May 2001	13 June 2003 (CEDAW/C/LVA/1-3)	Thirty-first (2004)
Fourth periodic report	14 May 2005		
Lebanon			
Initial report	21 May 1998	12 November 2003 (CEDAW/C/LBN/1)	Thirty-third (2005)
Second periodic report	16 May 2002	12 February 2005 (CEDAW/C/LBN/2)	Thirty-third (2005)
Third periodic report	16 May 2006	6 July 2006 (CEDAW/C/LBN/3)	
Lesotho			
Initial report	21 September 1996		
Second periodic report	21 September 2000		
Third periodic report	21 September 2004		
Liberia			
Initial report	16 August 1985		
Second periodic report	16 August 1989		
Third periodic report	16 August 1993		
Fourth periodic report	16 August 1997		
Fifth periodic report	16 August 2001		
Sixth periodic report	16 August 2005		

States parties	Date due[a]	Date of submission	Considered by Committee (session (year))
Libyan Arab Jamahiriya			
Initial report	15 June 1990	18 February 1991 (CEDAW/C/LIB/1) 4 October 1993 (CEDAW/C/LIB/1/Add.1)	Thirteenth (1994)
Second periodic report	15 June 1994	14 December 1998 (CEDAW/C/LBY/2)	
Third periodic report	15 June 1998		
Fourth periodic report	15 June 2002		
Fifth periodic report	15 June 2006		
Liechtenstein			
Initial report	21 January 1997	4 August 1997 (CEDAW/C/LIE/1)	Twentieth (1999)
Second periodic report	21 January 2001	June 2001 (CEDAW/C/LIE/2)	Thirty-ninth (2007)
Third periodic report	21 January 2005	13 July 2006 (CEDAW/C/LIE/3)	Thirty-ninth (2007)
Lithuania			
Initial report	17 February 1995	4 June 1998 (CEDAW/C/LTU/1)	Twenty-third (2000)
Second periodic report	17 February 1999	4 April 2000 (CEDAW/C/LTU/2)	Twenty-third (2000)
Third periodic report	17 February 2003	16 May 2005 (CEDAW/C/LTU/3)	
Fourth periodic report	17 February 2007		
Luxembourg			
Initial report	4 March 1990	13 November 1996 (CEDAW/C/LUX/1)	Seventeenth (1997)
Second periodic report	4 March 1994	8 April 1997 (CEDAW/C/LUX/2)	Seventeenth (1997)
Third periodic report	4 March 1998	12 March 1998 (CEDAW/C/LUX/3) 17 June 1998 (CEDAW/C/LUX/3/Add.1)	Twenty-second (2000)

States parties	*Date due*[a]	*Date of submission*	*Considered by Committee (session (year))*
Fourth periodic report	4 March 2002	12 March 2002 (CEDAW/C/LUX/4)	Twenty-eighth (2003)
Fifth periodic report	4 March 2006	23 February 2006 (CEDAW/C/LUX/5)	
Madagascar			
Initial report	16 April 1990	21 May 1990 (CEDAW/C/5/Add.65)	Thirteenth (1994)
		8 November 1993 (CEDAW/C/5/Add.65/Rev.2)	
Second periodic report	16 April 1994	13 August 2007 (CEDAW/C/MDG/2-5)	
Third periodic report	16 April 1998	13 August 2007 (CEDAW/C/MDG/2-5)	
Fourth periodic report	16 April 2002	13 August 2007 (CEDAW/C/MDG/2-5)	
Fifth periodic report	16 April 2006	13 August 2007 (CEDAW/C/MDG/2-5)	
Malawi			
Initial report	11 April 1988	15 July 1988 (CEDAW/C/5/Add.58)	Ninth (1990)
Second periodic report	11 April 1992	11 June 2004 (CEDAW/C/MWI/2-5)	Thirty-fifth (2006)
Third periodic report	11 April 1996	11 June 2004 (CEDAW/C/MWI/2-5)	Thirty-fifth (2006)
Fourth periodic report	11 April 2000	11 June 2004 (CEDAW/C/MWI/2-5)	Thirty-fifth (2006)
Fifth periodic report	11 April 2004	11 June 2004 (CEDAW/C/MWI/2-5)	Thirty-fifth (2006)
Malaysia			
Initial report	4 August 1996	22 March 2004 (CEDAW/C/MYS/1-2)	Thirty-fifth (2006)
Second periodic report	4 August 2000	22 March 2004 (CEDAW/C/MYS/1-2)	Thirty-fifth (2006)
Third periodic report	4 August 2004		

States parties	*Date due*[a]	*Date of submission*	*Considered by Committee (session (year))*
Maldives			
Initial report	1 July 1994	28 January 1999 (CEDAW/C/MDV/1)	Twenty-fourth (2001)
Second periodic report	1 July 1998	25 May 2005 (CEDAW/C/MDV/2-3)	Thirty-seventh (2007)
Third periodic report	1 July 2002	25 May 2005 (CEDAW/C/MDV/2-3)	Thirty-seventh (2007)
Fourth periodic report	31 July 2006		
Mali			
Initial report	10 October 1986	13 November 1986 (CEDAW/C/5/Add.43)	Seventh (1988)
Second periodic report	10 October 1990	17 March 2004 (CEDAW/C/MLI/2-5)	Thirty-fourth (2006)
Third periodic report	10 October 1994	17 March 2004 (CEDAW/C/MLI/2-5)	Thirty-fourth (2006)
Fourth periodic report	10 October 1998	17 March 2004 (CEDAW/C/MLI/2-5)	Thirty-fourth (2006)
Fifth periodic report	10 October 2002	17 March 2004 (CEDAW/C/MLI/2-5)	Thirty-fourth (2006)
Sixth periodic report	10 October 2006		
Malta			
Initial report	7 April 1992	1 August 2002 (CEDAW/C/MLT/1-3)	Thirty-first (2004)
Second periodic report	7 April 1996	1 August 2002 (CEDAW/C/MLT/1-3)	Thirty-first (2004)
Third periodic report	7 April 2000	1 August 2002 (CEDAW/C/MLT/1-3)	Thirty-first (2004)
Fourth periodic report	7 April 2004		
Marshall Islands			
Initial report	1 April 2007		

States parties	*Date due*[a]	*Date of submission*	*Considered by Committee (session (year))*
Mauritania			
Initial report	9 June 2002	11 May 2005 (CEDAW/C/MRT/1)	Thirty-eighth (2007)
Second periodic report	9 June 2002		
Mauritius			
Initial report	8 August 1985	23 February 1992 (CEDAW/C/MAR/1-2)	Fourteenth (1995)
Second periodic report	8 August 1989	23 January 1992 (CEDAW/C/MAR/1-2)	Fourteenth (1995)
Third periodic report	8 August 1993	17 November 2004 (CEDAW/C/MAR/3-5)	Thirty-sixth (2006)
Fourth periodic report	8 August 1997	17 November 2004 (CEDAW/C/MAR/3-5)	Thirty-sixth (2006)
Fifth periodic report	8 August 2001	17 November 2004 (CEDAW/C/MAR/3-5)	Thirty-sixth (2006)
Sixth periodic report	8 August 2005		
Mexico			
Initial report	3 September 1982	14 September 1982 (CEDAW/C/5/Add.2)	Second (1983)
Second periodic report	3 September 1986	3 December 1987 (CEDAW/C/13/Add.10)	Ninth (1990)
Third periodic report	3 September 1990	7 April 1997 (CEDAW/C/MEX/3-4)	Eighteenth (1998)
		9 July 1997 (CEDAW/C/MEX/3-4/Add.1)	
Fourth periodic report	3 September 1994	7 April 1997 (CEDAW/C/MEX/3-4)	Eighteenth (1998)
		9 July 1997 (CEDAW/C/MEX/3-4/Add.1)	
Fifth periodic report	3 September 1998	1 December 2000 (CEDAW/C/MEX/5)	Exceptional (2002)
Sixth periodic report	3 September 2002	18 January 2006 (CEDAW/C/MEX/6)	Thirty-sixth (2006)
Seventh periodic report	3 September 2006		

States parties	*Date due*[a]	*Date of submission*	*Considered by Committee (session (year))*
Micronesia			
Initial report	1 October 2005		
Monaco			
Initial report	17 April 2006		
Mongolia			
Initial report	3 September 1982	18 November 1983 (CEDAW/C/5/Add.20)	Fifth (1986)
Second periodic report	3 September 1986	17 March 1987 (CEDAW/C/13/Add.7)	Ninth (1990)
Third periodic report	3 September 1990	8 December 1998 (CEDAW/C/MNG/3-4)	Twenty-fourth (2001)
Fourth periodic report	3 September 1994	8 December 1998 (CEDAW/C/MNG/3-4)	Twenty-fourth (2001)
Fifth periodic report	3 September 1998	23 March 2007 (CEDAW/C/MNG/5-7)	
Sixth periodic report	3 September 2002	23 March 2007 (CEDAW/C/MNG/5-7)	
Seventh periodic report	3 September 2006	23 March 2007 (CEDAW/C/MNG/5-7)	
Montenegro			
Morocco			
Initial report	21 July 1994	14 September 1994 (CEDAW/C/MOR/1)	Sixteenth (1997)
Second periodic report	21 July 1998	29 February 2000 (CEDAW/C/MOR/2)	Twenty-ninth (2003)
Third periodic report	21 July 2002	18 August 2006 (CEDAW/C/MOR/4)	
Fourth periodic report	21 July 2006	18 August 2006 (CEDAW/C/MOR/4)	
Mozambique			
Initial report	21 May 1998	5 May 2005 (CEDAW/C/MOZ/1-2)	Thirty-eighth (2007)
Second periodic report	21 May 2002	5 May 2005 (CEDAW/C/MOZ/1-2)	Thirty-eighth (2007)

States parties	*Date due*[a]	*Date of submission*	*Considered by Committee (session (year))*
Third periodic report	21 May 2006		
Myanmar			
Initial report	21 August 1998	14 March 1999 (CEDAW/C/MMR/1)	Twenty-second (2000)
Second periodic report	21 August 2002	15 June 2007 (CEDAW/C/MMR/1)	
Third periodic report	21 August 2006	15 June 2007 (CEDAW/C/MMR/1)	
Namibia			
Initial report	23 December 1993	4 November 1996 (CEDAW/C/NAM/1)	Seventeenth (1997)
Second periodic report	23 December 1997	24 March 2005 (CEDAW/C/NAM/2-3)	Thirty-seventh (2007)
Third periodic report	23 December 2001	24 March 2005 (CEDAW/C/NAM/2-3)	Thirty-seventh (2007)
Fourth periodic report	23 December 2005		
Nepal			
Initial report	22 May 1992	16 November 1998 (CEDAW/C/NPL/1)	Twenty-first (1999)
Second periodic report	22 May 1996	26 November 2002 (CEDAW/C/NPL/2-3)	Thirtieth (2004)
Third periodic report	22 May 2000	26 November 2002 (CEDAW/C/NPL/2-3)	Thirtieth (2004)
Fourth periodic report	22 May 2004		
Netherlands			
Initial report	22 August 1992	19 November 1992 (CEDAW/C/NET/1) 17 September 1993 (CEDAW/C/NET/1/Add.1) 20 September 1993 (CEDAW/C/NET/1/Add.2) 9 October 1993 (CEDAW/C/NET/1/Add.3)	Thirteenth (1994)

States parties	*Date due*[a]	*Date of submission*	*Considered by Committee (session (year))*
Second periodic report	22 August 1996	10 December 1998 (CEDAW/C/NET) (CEDAW/C/NET/2/Add.1) (CEDAW/C/NET/2/Add.2)	Twenty-fifth (2001)
Third periodic report	22 August 2000	13 November 2000 (CEDAW/C/NET/3)	Twenty-fifth (2001)
		8 November 2000 (CEDAW/C/NET/3/Add.1) (CEDAW/C/NET/3/Add.2)	
Fourth periodic report	22 August 2004	24 January 2005 (CEDAW/C/NLD/4)	Thirty-seventh (2007)
		9 May 2005 (CEDAW/C/NLD/4/Add.1)	
New Zealand			
Initial report	9 February 1986	3 October 1986 (CEDAW/C/5/Add.41)	Seventh (1988)
Second periodic report	9 February 1990	3 November 1992 (CEDAW/C/NZL/2)	Thirteenth (1994)
		27 October 1993 (CEDAW/C/NZL/2/Add.1)	
Third periodic report	9 February 1994	2 March 1998 (CEDAW/C/NZL/3-4)	Nineteenth (1998)
		15 April 1998 (CEDAW/C/NZL/3-4/Add.1)	
Fourth periodic report	9 February 1998	2 March 1998 (CEDAW/C/NZL/3-4)	Nineteenth (1998)
		15 April 1998 (CEDAW/C/NZL/3-4/Add.1)	
Fifth periodic report	9 February 2002	7 October 2002 (CEDAW/C/NZL/5)	Twenty-ninth (2003)
Sixth periodic report	9 February 2006	20 April 2006 (CEDAW/C/NZL/6)	Thirty-ninth (2007)
Nicaragua			
Initial report	26 November 1982	22 September 1987 (CEDAW/C/5/Add.55)	Eighth (1989)
Second periodic report	26 November 1986	16 March 1989	Twelfth (1993)

States parties	*Date due*ᵃ	*Date of submission*	*Considered by Committee (session (year))*
		(CEDAW/C/13/Add.20)	
Third periodic report	26 November 1990	15 October 1992 (CEDAW/C/NIC/3)	Twelfth (1993)
Fourth periodic report	26 November 1994	16 June 1998 (CEDAW/C/NIC/4)	Twenty-fifth (2001)
Fifth periodic report	26 November 1998	2 September 1999 (CEDAW/C/NIC/5)	Twenty-fifth (2001)
Sixth periodic report	26 November 2002	15 June 2005 (CEDAW/C/NIC/6)	Thirty-seventh (2007)
Seventh periodic report	26 November 2006		
Niger			
Initial report	8 November 2000	19 July 2005 (CEDAW/C/NER/1-2)	Thirty-eighth (2007)
Second periodic report	8 November 2004	19 July 2005 (CEDAW/C/NER/1-2)	Thirty-eighth (2007)
Nigeria			
Initial report	13 July 1986	1 April 1987 (CEDAW/C/5/Add.49)	Seventh (1988)
Second periodic report	13 July 1990	13 February 1997 (CEDAW/C/NGA/2-3)	Nineteenth (1998)
Third periodic report	13 July 1994	13 February 1997 (CEDAW/C/NGA/2-3)	Nineteenth (1998)
Fourth periodic report	13 July 1998	23 January 2003 (CEDAW/C/NGA/4-5)	Thirtieth (2004)
Fifth periodic report	13 July 2002	23 January 2003 (CEDAW/C/NGA/4-5)	Thirtieth (2004)
Sixth periodic report	13 July 2006	23 January 2007 (CEDAW/C/NGA/6)	
Norway			
Initial report	20 June 1982	3 September 1986 (CEDAW/C/5/Add.7)	Third (1984)
Second periodic report	20 June 1986	23 June 1988 (CEDAW/C/13/Add.15)	Tenth (1991)
Third periodic report	20 September 1990	25 January 1991 (CEDAW/C/NOR/3)	Fourteenth (1995)

States parties	*Date due*[a]	*Date of submission*	*Considered by Committee (session (year))*
Fourth periodic report	20 September 1994	1 September 1994 (CEDAW/C/NOR/4)	Fourteenth (1995)
Fifth periodic report	20 September 1998	23 March 2000 (CEDAW/C/NOR/5)	Twenty-eighth (2003)
Sixth periodic report	20 September 2002	5 June 2002 (CEDAW/C/NOR/6)	Twenty-eighth (2003)
Seventh periodic report	20 September 2006	31 October 2006 (CEDAW/C/NOR/7)	Thirty-ninth (2007)
Oman			
Initial report	9 March 2007		
Pakistan			
Initial report	11 June 1997	28 July 2005 (CEDAW/C/PAK/1-3)	Thirty-eighth (2007)
Second periodic report	11 June 2001	28 July 2005 (CEDAW/C/PAK/1-3)	Thirty-eighth (2007)
Third periodic report	11 June 2005	28 July 2005 (CEDAW/C/PAK/1-3)	Thirty-eighth (2007)
Panama			
Initial report	28 November 1982	12 December 1982 (CEDAW/C/5/Add.9)	Fourth (1985)
Second periodic report	28 November 1986	17 January 1997 (CEDAW/C/PAN/2-3)	Nineteenth (1998)
Third periodic report	28 November 1990	17 January 1997 (CEDAW/C/PAN/2-3)	Nineteenth (1998)
Fourth periodic report	28 November 1994		
Fifth periodic report	28 November 1998		
Sixth periodic report	28 November 2002		
Seventh periodic report	28 November 2006		
Papua New Guinea			
Initial report	11 February 1996		
Second periodic report	11 February 2000		
Third periodic report	11 February 2004		

States parties	*Date due*[a]	*Date of submission*	*Considered by Committee (session (year))*
Paraguay			
Initial report	6 May 1988	4 June 1992 (CEDAW/C/PAR/1-2)	Fifteenth (1996)
		23 August 1995 (CEDAW/C/PAR/1-2/Add.1)	
		20 November 1995 (CEDAW/C/PAR/1-2/Add.2)	
Second periodic report	6 May 1992	4 June 1992 (CEDAW/C/PAR/1-2)	Fifteenth (1996)
		23 August 1995 (CEDAW/C/PAR/1-2/Add.1)	
		20 November 1995 (CEDAW/C/PAR/1-2/Add.2)	
Third periodic report	6 May 1996	28 August 2003 (CEDAW/C/PAR/3-4)	Thirty-second (2005)
Fourth periodic report	6 May 2000	28 August 2003 (CEDAW/C/PAR/3-4)	Thirty-second (2005)
Fifth periodic report	6 May 2004	25 May 2004 (CEDAW/C/PAR/5)	Thirty-second (2005)
Peru			
Initial report	13 October 1983	14 September 1988 (CEDAW/C/5/Add.60)	Ninth (1990)
Second periodic report	13 October 1987	13 February 1990 (CEDAW/C/13/Add.29)	Fourteenth (1995)
Third periodic report	13 October 1991	25 November 1994 (CEDAW/C/PER/3-4)	Nineteenth (1998)
Fourth periodic report	13 October 1995	25 November 1994 (CEDAW/C/PER/3-4)	Nineteenth (1998)
Fifth periodic report	13 October 1999	21 July 2000 (CEDAW/C/PER/5)	Exceptional (2002)
Sixth periodic report	13 October 2003	3 February 2004 (CEDAW/C/PER/6)	Thirty-seventh (2007)

States parties	*Date due*[a]	*Date of submission*	*Considered by Committee (session (year))*
Philippines			
Initial report	4 September 1982	22 October 1982 (CEDAW/C/5/Add.6)	Third (1984)
Second periodic report	4 September 1986	12 December 1988 (CEDAW/C/13/Add.17)	Tenth (1991)
Third periodic report	4 September 1990	20 January 1993 (CEDAW/C/PHI/3)	Sixteenth (1997)
Fourth periodic report	4 September 1994	22 April 1996 (CEDAW/C/PHI/4)	Sixteenth (1997)
Fifth periodic report	4 September 1998	27 July 2004 (CEDAW/C/ PHI/5-6)	Thirty-sixth (2006)
Sixth periodic report	4 September 2002	26 July 2004 (CEDAW/C/ PHI/5-6)	Thirty-sixth (2006)
Seventh periodic report	4 September 2006		
Poland			
Initial report	3 September 1982	10 October 1985 (CEDAW/C/5/Add.31)	Sixth (1987)
Second periodic report	3 September 1986	17 November 1988 (CEDAW/C/13/Add.16)	Tenth (1991)
Third periodic report	3 September 1990	22 November 1990 (CEDAW/C/18/Add.2)	Tenth (1991)
Fourth periodic report	3 September 1994	29 November 2004 (CEDAW/C/POL/4-5)	Thirty-seventh (2007)
Fifth periodic report	3 September 1998	29 November 2004 (CEDAW/C/POL/4-5)	Thirty-seventh (2007)
Sixth periodic report	3 September 2002	29 November 2004 (CEDAW/C/POL/6)	Thirty-seventh (2007)
Seventh periodic report	3 September 2006		
Portugal			
Initial report	3 September 1982	19 July 1983 (CEDAW/C/5/Add.21)	Fifth (1986)
Second periodic report	3 September 1986	18 May 1989 (CEDAW/C/13/Add.22)	Tenth (1991)

States parties	*Date due*[a]	*Date of submission*	*Considered by Committee (session (year))*
Third periodic report	3 September 1990	10 December 1990 (CEDAW/C/18/Add.3)	Tenth (1991)
Fourth periodic report	3 September 1994	23 November 1999 (CEDAW/C/PRT/4)	Twenty-sixth (2002)
Fifth periodic report	3 September 1998	13 June 2001 (CEDAW/C/PRT/5)	Twenty-sixth (2002)
Sixth periodic report	3 September 2002	15 May 2006 (CEDAW/C/PRT/6)	
Seventh periodic report	3 September 2006		
Republic of Korea			
Initial report	26 January 1986	13 March 1986 (CEDAW/C/5/Add.35)	Sixth (1987)
Second periodic report	26 January 1990	19 December 1989 (CEDAW/C/13/Add.28)	Twelfth (1993)
Third periodic report	26 January 1994	8 September 1994 (CEDAW/C/KOR/3)	Nineteenth (1998)
Fourth periodic report	26 January 1998	27 March 1998 (CEDAW/C/KOR/4)	Nineteenth (1998)
Fifth periodic report	26 January 2002	23 July 2003 (CEDAW/C/KOR/6)	Thirty-ninth (2007)
Sixth periodic report	26 January 2006	23 July 2006 (CEDAW/C/KOR/6)	Thirty-ninth (2007)
Republic of Moldova			
Initial report	31 July 1995	26 October 1998 (CEDAW/C/MDA/1)	Twenty-third (2000)
Second periodic report	31 July 1999	1 October 2004 (CEDAW/C/MDA/2-3)	Thirty-sixth (2006)
Third periodic report	31 July 2003	1 October 2004 (CEDAW/C/MDA/2-3)	Thirty-sixth (2006)
Fourth periodic report	31 July 2007		
Romania			
Initial report	6 February 1983	14 January 1987 (CEDAW/C/5/Add.45)	Twelfth (1993)

States parties	*Date due*[a]	*Date of submission*	*Considered by Committee (session (year))*
Second periodic report	6 February 1987	19 October 1992 (CEDAW/C/ROM/2-3)	Twelfth (1993)
Third periodic report	6 February 1991	19 October 1992 (CEDAW/C/ROM/2-3)	Twelfth (1993)
Fourth periodic report	6 February 1995	10 December 1998 (CEDAW/C/ROM/4-5)	Twenty-third (2000)
Fifth periodic report	6 February 1999	10 December 1998 (CEDAW/C/ROM/4-5)	Twenty-third (2000)
Sixth periodic report	6 February 2003	10 December 2003 (CEDAW/C/ROM/6)	Thirty-fifth (2006)
Seventh periodic report	6 February 2007		
Russian Federation			
Initial report	3 September 1982	2 March 1983 (CEDAW/C/5/Add.12)	Second (1983)
Second periodic report	3 September 1986	10 February 1987 (CEDAW/C/13/Add.4)	Eighth (1989)
Third periodic report	3 September 1990	24 July 1991 (CEDAW/C/USR/3)	Fourteenth (1995)
Fourth periodic report	3 September 1994	31 August 1994 (CEDAW/C/USR/4)	Fourteenth (1995)
Fifth periodic report	3 September 1998	3 March 1999 (CEDAW/C/USR/5)	Twenty-sixth (2002)
Sixth periodic report	3 September 2002		
Seventh periodic report	3 September 2006		
Rwanda			
Initial report	3 September 1982	24 May 1983 (CEDAW/C/5/Add.13)	Third (1984)
Second periodic report	3 September 1986	7 March 1988 (CEDAW/C/13/Add.13)	Tenth (1991)
Third periodic report	3 September 1990	18 January 1991 (CEDAW/C/RWA/3)	Twelfth (1993)
Fourth periodic report	3 September 1994		
Fifth periodic report	3 September 1998		
Sixth periodic report	3 September 2002		

States parties	*Date due*[a]	*Date of submission*	*Considered by Committee (session (year))*
Seventh periodic report	3 September 2006		
Saint Kitts and Nevis			
Initial report	25 May 1986	18 January 2002 (CEDAW/C/KNA/1-4)	Twenty-seventh (2002)
Second periodic report	25 May 1990	18 January 2002 (CEDAW/C/KNA/1-4)	Twenty-seventh (2002)
Third periodic report	25 May 1994	18 January 2002 (CEDAW/C/KNA/1-4)	Twenty-seventh (2002)
Fourth periodic report	25 May 1998	18 January 2002 (CEDAW/C/KNA/1-4)	Twenty-seventh (2002)
Fifth periodic report	25 May 2002		
Sixth periodic report	25 May 2006		
Saint Lucia			
Initial report	7 November 1983	7 September 2005 (CEDAW/C/LCA/1-6)	Thirty-fifth (2006)
Second periodic report	7 November 1987	7 September 2005 (CEDAW/C/LCA/1-6)	Thirty-fifth (2006)
Third periodic report	7 November 1991	7 September 2005 (CEDAW/C/LCA/1-6)	Thirty-fifth (2006)
Fourth periodic report	7 November 1995	7 September 2005 (CEDAW/C/LCA/1-6)	Thirty-fifth (2006)
Fifth periodic report	7 November 1999	7 September 2005 (CEDAW/C/LCA/1-6)	Thirty-fifth (2006)
Sixth periodic report	7 November 2003	7 September 2005 (CEDAW/C/LCA/1-6)	Thirty-fifth (2006)
Saint Vincent and the Grenadines			
Initial report	3 September 1982	27 September 1991 (CEDAW/C/STV/1-3) 28 July 1994 (CEDAW/C/STV/1-3/Add.1)	Sixteenth (1997)
Second periodic report	3 September 1986	27 September 1991 (CEDAW/C/STV/1-3) 28 July 1994 (CEDAW/C/STV/1-3/Add.1)	Sixteenth (1997)

States parties	*Date due*[a]	*Date of submission*	*Considered by Committee (session (year))*
Third periodic report	3 September 1990	27 September 1991 (CEDAW/C/STV/1-3) 28 July 1994 (CEDAW/C/STV/1-3/Add.1)	Sixteenth (1997)
Fourth periodic report	3 September 1994		
Fifth periodic report	3 September 1998		
Sixth periodic report	3 September 2002		
Seventh periodic report	3 September 2006		
Samoa			
Initial report	25 October 1993	2 May 2003 (CEDAW/C/WSM/1-3)	Thirty-second (2005)
Second periodic report	25 October 1997	2 May 2003 (CEDAW/C/WSM/1-3)	Thirty-second (2005)
Third periodic report	25 October 2001	2 May 2003 (CEDAW/C/WSM/1-3)	Thirty-second (2005)
Fourth periodic report	25 October 2005		
San Marino			
Initial report	9 January 2005		
Sao Tome and Principe			
Initial report	3 July 2004		
Saudi Arabia			
Initial report	7 October 2001	12 September 2006 (CEDAW/C/2006)	
Second periodic report	7 October 2005	12 September 2006 (CEDAW/C/2006)	
Senegal			
Initial report	7 March 1986	5 November 1986 (CEDAW/C/5/Add.42)	Seventh (1988)
Second periodic report	7 March 1990	23 September 1991 (CEDAW/C/SEN/2) (CEDAW/C/SEN/2/Amend.1)	Thirteenth (1994)
Third periodic report	7 March 1994		

States parties	*Date due*[a]	*Date of submission*	*Considered by Committee (session (year))*
Fourth periodic report	7 March 1998		
Fifth periodic report	7 March 2002		
Sixth periodic report	7 March 2006		
Serbia			
Initial report	11 April 2002	4 May 2006 (CEDAW/C/SGC/1)	Thirty-eighth (2007)
Second periodic report	11 April 2006		
Seychelles			
Initial report	4 June 1993		
Second periodic report	4 June 1997		
Third periodic report	4 June 2001		
Fourth periodic report	4 June 2005		
Sierra Leone			
Initial report	11 December 1989	14 December 2006 (CEDAW/C/SLE/1-5)	Thirty-eighth (2007)
Second periodic report	11 December 1993	14 December 2006 (CEDAW/C/SLE/1-5)	Thirty-eighth (2007)
Third periodic report	11 December 1997	14 December 2006 (CEDAW/C/SLE/1-5)	Thirty-eighth (2007)
Fourth periodic report	11 December 2001	14 December 2006 (CEDAW/C/SLE/1-5)	Thirty-eighth (2007)
Fifth periodic report	11 December 2005	14 December 2006 (CEDAW/C/SLE/1-5)	Thirty-eighth (2007)
Singapore			
Initial report	4 November 1996	1 December 1999 (CEDAW/C/SGP/1)	Twenty-fifth (2001)
Second periodic report	4 November 2000	16 April 2001 (CEDAW/C/SGP/2)	Twenty-fifth (2001)
Third periodic report	4 November 2004	1 November 2004 (CEDAW/C/SGP/3)	Thirty-ninth (2007)

States parties	*Date due*[a]	*Date of submission*	*Considered by Committee (session (year))*
Slovakia			
Initial report	27 June 1994	29 April 1996 (CEDAW/C/SVK/1)	Nineteenth (1998)
		11 May 1998 (CEDAW/C/SVK/1/Add.1)	
Second periodic report	27 June 1998	27 February 2007 (CEDAW/C/SVK/2-4)	
Third periodic report	27 June 2002	27 February 2007 (CEDAW/C/SVK/2-4)	
Fourth periodic report	27 June 2006	27 February 2007 (CEDAW/C/SVK/2-4)	
Slovenia			
Initial report	5 August 1993	23 November 1993 (CEDAW/C/SVN/1)	Sixteenth (1997)
Second periodic report	5 August 1997	26 April 1999 (CEDAW/C/SVN/2)	Twenty-ninth (2003)
Third periodic report	5 August 2001	4 December 2002 (CEDAW/C/SVN/3)	Twenty-ninth (2003)
Fourth periodic report	5 August 2005	10 August 2006 (CEDAW/C/SVN/4)	
Solomon Islands			
Initial report	6 June 2003		
Second periodic report	6 June 2007		
South Africa			
Initial report	14 January 1997	5 February 1998 (CEDAW/C/ZAF/1)	Nineteenth (1998)
Second periodic report	14 January 2001		
Third periodic report	14 January 2005		
Spain			
Initial report	4 February 1985	20 August 1985 (CEDAW/C/5/Add.30)	Sixth (1987)
Second periodic report	4 February 1989	9 February 1989 (CEDAW/C/13/Add.19)	Eleventh (1992)

States parties	Date due[a]	Date of submission	Considered by Committee (session (year))
Third periodic report	4 February 1993	20 May 1996 (CEDAW/C/ESP/3)	Twenty-first (1999)
Fourth periodic report	4 February 1997	20 October 1998 (CEDAW/C/ESP/4)	Twenty-first (1999)
Fifth periodic report	4 February 2001	11 April 2003 (CEDAW/C/ESP/5)	Thirty-first (2004)
Sixth periodic report	4 February 2005		
Sri Lanka			
Initial report	4 November 1982	7 July 1985 (CEDAW/C/5/Add.29)	Sixth (1987)
Second periodic report	4 November 1986	29 December 1988 (CEDAW/C/13/Add.18)	Eleventh (1992)
Third periodic report	4 November 1990	7 October 1999 (CEDAW/C/LKA/3-4)	Twenty-sixth (2002)
Fourth periodic report	4 November 1994	7 October 1999 (CEDAW/C/LKA/3-4)	Twenty-sixth (2002)
Fifth periodic report	4 November 1998		
Sixth periodic report	4 November 2002		
Seventh periodic report	4 November 2006		
Suriname			
Initial report	31 March 1994	13 February 2002 (CEDAW/C/SUR/1-2)	Twenty-seventh (2002)
Second periodic report	31 March 1998	13 February 2002 (CEDAW/C/SUR/1-2)	Twenty-seventh (2002)
Third periodic report	31 March 2002	26 April 2005 (CEDAW/C/SUR/3)	Thirty-seventh (2007)
Fourth periodic report	31 March 2006		
Swaziland			
Initial report	25 April 2005		
Sweden			
Initial report	3 September 1982	22 October 1982 (CEDAW/C/5/Add.8)	Second (1983)

States parties	*Date due*[a]	*Date of submission*	*Considered by Committee (session (year))*
Second periodic report	3 September 1986	10 March 1987 (CEDAW/C/13/Add.6)	Seventh (1988)
Third periodic report	3 September 1990	3 October 1990 (CEDAW/C/18/Add.1)	Twelfth (1993)
Fourth periodic report	3 September 1994	21 May 1996 (CEDAW/C/SWE/4)	Twenty-fifth (2001)
Fifth periodic report	3 September 1998	8 December 2000 (CEDAW/C/SWE/5)	Twenty-fifth (2001)
Sixth periodic report	3 September 2002	5 December 2006 (CEDAW/C/SWE/6-7)	
Seventh periodic report	3 September 2006	5 December 2006 (CEDAW/C/SWE/6-7)	
Switzerland			
Initial report	26 April 1998	20 February 2002 (CEDAW/C/CHE/1-2)	Twenty-eighth (2003)
Second periodic report	26 April 2002	20 February 2002 (CEDAW/C/CHE/1-2)	Twenty-eighth (2003)
Third periodic report	26 April 2006		
Syrian Arab Republic			
Initial report	27 April 2004	25 August 2005 (CEDAW/C/SYR/1)	Thirty-eighth (2007)
Tajikistan			
Initial report	25 October 1994	5 May 2005 (CEDAW/C/TJK/1-3)	Thirty-seventh (2007)
Second periodic report	25 October 1998	5 May 2005 (CEDAW/C/TJK/1-3)	Thirty-seventh (2007)
Third periodic report	25 October 2002	5 May 2005 (CEDAW/C/TJK/1-3)	Thirty-seventh (2007)
Fourth periodic report	25 October 2006		
Thailand			
Initial report	8 September 1986	1 June 1987 (CEDAW/C/5/Add.51)	Ninth (1990)
Second periodic report	8 September 1990	3 March 1997 (CEDAW/C/THA/2-3)	Twentieth (1999)

States parties	*Date due*[a]	*Date of submission*	*Considered by Committee (session (year))*
Third periodic report	8 September 1994	3 March 1997 (CEDAW/C/THA/2-3)	Twentieth (1999)
Fourth periodic report	8 September 1998	7 October 2003 (CEDAW/C/THA/4-5)	Thirty-fourth (2006)
Fifth periodic report	8 September 2002	7 October 2003 (CEDAW/C/THA/4-5)	Thirty-fourth (2006)
Sixth periodic report	8 September 2006		
The former Yugoslav Republic of Macedonia			
Initial report	17 February 1995	26 May 2004 (CEDAW/C/MCD/1-3)	Thirty-fourth (2006)
Second periodic report	17 February 1999	26 May 2004 (CEDAW/C/MCD/1-3)	Thirty-fourth (2006)
Third periodic report	17 February 2003	26 May 2004 (CEDAW/C/MCD/1-3)	Thirty-fourth (2006)
Fourth periodic report	17 February 2007		
Timor-Leste			
Initial report	16 May 2004		
Togo			
Initial report	26 October 1984	11 March 2004 (CEDAW/C/TGO/1-5)	Thirty-fourth (2006)
Second periodic report	26 October 1988	11 March 2004 (CEDAW/C/TGO/1-5)	Thirty-fourth (2006)
Third periodic report	26 October 1992	11 March 2004 (CEDAW/C/TGO/1-5)	Thirty-fourth (2006)
Fourth periodic report	26 October 1996	11 March 2004 (CEDAW/C/TGO/1-5)	Thirty-fourth (2006)
Fifth periodic report	26 October 2000	11 March 2004 (CEDAW/C/TGO/1-5)	Thirty-fourth (2006)
Sixth periodic report	26 October 2004		
Trinidad and Tobago			
Initial report	11 February 1991	23 January 2001 (CEDAW/C/TTO/1-3)	Twenty-sixth (2002)
Second periodic report	11 February 1995	23 January 2001 (CEDAW/C/TTO/1-3)	Twenty-sixth (2002)

States parties	*Date due*[a]	*Date of submission*	*Considered by Committee (session (year))*
Third periodic report	11 February 1999	23 January 2001 (CEDAW/C/TTO/1-3)	Twenty-sixth (2002)
Third periodic report	17 February 2003		
Fourth periodic report	17 February 2007		
Tunisia			
Initial report	20 October 1986	17 September 1993 (CEDAW/C/TUN/1-2)	Fourteenth (1995)
Second periodic report	20 October 1990	17 September 1993 (CEDAW/C/TUN/1-2)	Fourteenth (1995)
Third periodic report	20 October 1994	27 July 2000 (CEDAW/C/TUN/3-4)	Twenty-seventh (2002)
Fourth periodic report	20 October 1998	27 July 2000 (CEDAW/C/TUN/3-4)	Twenty-seventh (2002)
Fifth periodic report	20 October 2002		
Sixth periodic report	20 October 2006		
Turkey			
Initial report	19 January 1987	27 January 1987 (CEDAW/C/5/Add.46)	Ninth (1990)
Second periodic report	19 January 1991	3 September 1996 (CEDAW/C/TUR/2-3) 23 December 1996 (CEDAW/C/TUR/2/Corr.1)	Sixteenth (1997)
Third periodic report	19 January 1995	3 September 1996 (CEDAW/C/TUR/2-3)	Sixteenth (1997)
Fourth periodic report	19 January 1999	31 July 2003 (CEDAW/C/TUR/4-5)	Thirty-second (2005)
Fifth periodic report	19 January 2003	31 July 2003 (CEDAW/C/TUR/4-5)	Thirty-second (2005)
Sixth periodic report	19 January 2007		
Turkmenistan			
Initial report	31 May 1998	3 November 2004 (CEDAW/C/TKM/1-2)	Thirty-fifth (2006)
Second periodic report	31 May 2002	3 November 2004 (CEDAW/C/TKM/1-2)	Thirty-fifth (2006)

States parties	*Date due*[a]	*Date of submission*	*Considered by Committee (session (year))*
Third periodic report	31 May 2006		
Tuvalu			
Initial report	6 November 2000		
Second periodic report	6 November 2004		
Uganda			
Initial report	21 August 1986	1 June 1992 (CEDAW/C/UGA/1-2)	Fourteenth (1995)
		13 September 1994 (CEDAW/C/UGA/1-2/Add.1)	
Second periodic report	21 August 1990	1 June 1992 (CEDAW/C/UGA/1-2)	Fourteenth (1995)
		13 September 1994 (CEDAW/C/UGA/1-2/Add.1)	
Third periodic report	21 August 1994	22 May 2000 (CEDAW/C/UGA/3)	Exceptional (2002)
Fourth periodic report	21 August 1998		
Fifth periodic report	21 August 2002		
Sixth periodic report	21 August 2006		
Ukraine			
Initial report	3 September 1982	2 March 1983 (CEDAW/C/5/Add.11)	Second (1983)
Second periodic report	3 September 1986	13 August 1987 (CEDAW/C/13/Add.8)	Ninth (1990)
Third periodic report	3 September 1990	31 May 1991 (CEDAW/C/UKR/3)	Fifteenth (1996)
		21 November 1995 (CEDAW/C/UKR/3/Add.1)	
Fourth periodic report	3 September 1994	2 August 1999 (CEDAW/C/UKR/4-5) (CEDAW/C/UKR/4-5/Corr.1)	Twenty-seventh (2002)
Fifth periodic report	3 September 1998	2 August 1999 (CEDAW/C/UKR/4-5)	Twenty-seventh (2002)
Sixth periodic report	3 September 2002		

States parties	*Date due*[a]	*Date of submission*	*Considered by Committee (session (year))*
Seventh periodic report	3 September 2006		
United Arab Emirates			
Initial report	5 November 2005		
United Kingdom of Great Britain and Northern Ireland			
Initial report	7 May 1987	25 June 1987 (CEDAW/C/5/Add.52)	Ninth (1990)
Second periodic report	7 May 1991	11 May 1991 (CEDAW/C/UK/2)	Twelfth (1993)
Third periodic report	7 May 1995	16 August 1995 (CEDAW/C/UK/3) 7 August 1997 (CEDAW/C/UK/3/Add.1) 14 July 1998 (CEDAW/C/UK/3/Add.2)	Twenty-first (1999)
Fourth periodic report	7 May 1999	19 January 1999 (CEDAW/C/UK/4 and Add.1-4)	Twenty-first (1999)
Fifth periodic report	7 May 2003	7 August 2003 (CEDAW/C/UK/5 and Add.1 and 2)	
Sixth periodic report	7 May 2007	1 May 2007 (CEDAW/C/UK/6) (CEDAW/C/UK/6/Add.1)	
United Republic of Tanzania			
Initial report	19 September 1986	9 March 1988 (CEDAW/C/5/Add.57)	Ninth (1990)
Second periodic report	19 September 1990	25 September 1996 (CEDAW/C/TZA/2-3)	Nineteenth (1998)
Third periodic report	19 September 1994	25 September 1996 (CEDAW/C/TZA/2-3)	Nineteenth (1998)
Fourth periodic report	19 September 1998	8 February 2007 (CEDAW/C/TZA/6)	
Fifth periodic report	19 September 2002	8 February 2007 (CEDAW/C/TZA/6)	
Sixth periodic report	19 September 2006	8 February 2007 (CEDAW/C/TZA/6)	

States parties	*Date due*[a]	*Date of submission*	*Considered by Committee (session (year))*
Uruguay			
Initial report	8 November 1982	23 November 1984 (CEDAW/C/5/Add.27)	Seventh (1988)
Second periodic report	8 November 1986	8 February 1999 (CEDAW/C/URY/2-3)	Twenty-sixth (2002)
Third periodic report	8 November 1990	8 February 1999 (CEDAW/C/URY/2-3)	Twenty-sixth (2002)
Fourth periodic report	8 November 1994	8 June 2007 (CEDAW/C/URY/7)	
Fifth periodic report	8 November 1998	8 June 2007 (CEDAW/C/URY/7)	
Sixth periodic report	8 November 2002	8 June 2007 (CEDAW/C/URY/7)	
Seventh periodic report	8 November 2006	8 June 2007 (CEDAW/C/URY/7)	
Uzbekistan			
Initial report	18 August 1996	19 January 2000 (CEDAW/C/UZB/1)	Twenty-fourth (2001)
Second periodic report	18 August 2000	11 October 2004 (CEDAW/C/UZB/2-3)	Thirty-sixth (2006)
Third periodic report	18 August 2004	11 October 2004 (CEDAW/C/UZB/2-3)	Thirty-sixth (2006)
Vanuatu			
Initial report	8 October 1996	2 March 2005 (CEDAW/C/VUT/1-3)	Thirty-eighth (2007)
Second periodic report	8 October 2000	2 March 2005 (CEDAW/C/VUT/1-3)	Thirty-eighth (2007)
Third periodic report	8 October 2004	2 March 2005 (CEDAW/C/VUT/1-3)	Thirty-eighth (2007)
Venezuela (Bolivarian Republic of)			
Initial report	1 June 1984	27 August 1984 (CEDAW/C/5/Add.24)	Fifth (1986)
Second periodic report	1 June 1988	18 April 1989 (CEDAW/C/13/Add.21)	Eleventh (1992)

States parties	*Date due*[a]	*Date of submission*	*Considered by Committee (session (year))*
Third periodic report	1 June 1992	8 February 1995 (CEDAW/C/VEN/3)	Sixteenth (1997)
Fourth periodic report	1 June 1996	25 June 2004 (CEDAW/C/VEN/4-6)	Thirty-fourth (2006)
Fifth periodic report	1 June 2000	25 June 2004 (CEDAW/C/VEN/4-6)	Thirty-fourth (2006)
Sixth periodic report	1 June 2004	25 June 2004 (CEDAW/C/VEN/4-6)	Thirty-fourth (2006)
Viet Nam			
Initial report	19 March 1983	2 October 1984 (CEDAW/C/5/Add.25)	Fifth (1986)
Second periodic report	19 March 1987	2 November 1999 (CEDAW/C/VNM/2)	Twenty-fifth (2001)
Third periodic report	19 March 1991	6 October 2000 (CEDAW/C/VNM/3-4)	Twenty-fifth (2001)
Fourth periodic report	19 March 1995	6 October 2000 (CEDAW/C/VNM/3-4)	Twenty-fifth (2001)
Fifth periodic report	19 March 1999	15 June 2005 (CEDAW/C/VNM/5-6)	Thirty-seventh (2007)
Sixth periodic report	19 March 2003	15 June 2005 (CEDAW/C/VNM/5-6)	Thirty-seventh (2007)
Seventh periodic report	19 March 2007		
Yemen			
Initial report	29 June 1985	23 January 1989 (CEDAW/C/5/Add.61)	Twelfth (1993)
Second periodic report	29 June 1989	8 June 1989 (CEDAW/C/13/Add.24)	Twelfth (1993)
Third periodic report	29 June 1993	13 November 1992 (CEDAW/C/YEM/3)	Twelfth (1993)
Fourth periodic report	29 June 1997	8 March 2000 (CEDAW/C/YEM/4)	Exceptional (2002)
Fifth periodic report	29 June 2001	January 2002 (CEDAW/C/YEM/5)	Exceptional (2002)
Sixth periodic report	29 June 2005	5 December 2006 (CEDAW/C/YEM/6)	

States parties	*Date due*[a]	*Date of submission*	*Considered by Committee (session (year))*
Zambia			
Initial report	21 July 1986	6 March 1991 (CEDAW/C/ZAM/1-2)	Thirteenth (1994)
Second periodic report	21 July 1990	6 March 1991 (CEDAW/C/ZAM/1-2)	Thirteenth (1994)
Third periodic report	21 July 1994	12 August 1999 (CEDAW/C/ZAM/3-4)	Twenty-seventh (2002)
Fourth periodic report	21 July 1998	12 August 1999 (CEDAW/C/ZAM/3-4)	Twenty-seventh (2002)
Fifth periodic report	21 July 2002		
Sixth periodic report	21 July 2006		
Zimbabwe			
Initial report	12 June 1992	28 April 1996 (CEDAW/C/ZWE/1)	Eighteenth (1998)
Second periodic report	12 June 1996		
Third periodic report	12 June 2000		
Fourth periodic report	12 June 2004		
Reports submitted on an exceptional basis			
Bosnia and Herzegovina		1 February 1994 (oral report; see CEDAW/C/SR.253)	Thirteenth (1994)
Democratic Republic of the Congo		16 January 1997 (oral report; see CEDAW/C/SR.317)	Sixteenth (1997)
Croatia		6 December 1994 (CEDAW/C/CRO/SP.1)	Fourteenth (1995)
Rwanda		31 January 1996 (oral report; see CEDAW/C/SR.306)	Fifteenth (1996)
Federal Republic of Yugoslavia (Serbia and Montenegro)		2 December 1993 (CEDAW/C/YUG/SP)	Thirteenth (1994)
		12 February 1994 (oral report; see CEDAW/C/SR.254)	

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[a] One year prior to the due date, the Secretary-General invites the State party to submit its report.

[b] Effective 17 May 1997, Zaire was renamed Democratic Republic of the Congo.

Annex VII

Views of the Committee in respect of communications under article 7, paragraph 3, of the Optional Protocol to the Convention

A. Views of the Committee in respect of communication No. 5/2005

Submitted by:	The Vienna Intervention Centre against Domestic Violence and the Association for Women's Access to Justice on behalf of Hakan Goekce, Handan Goekce, and Guelue Goekce (descendants of the deceased)
Alleged victim:	Şahide Goekce (deceased)
State party:	Austria
Date of communication:	dated 21 July 2004 with supplementary information dated 22 November and 10 December 2004 (initial submissions)

On 6 August 2007 the Committee on the Elimination of Discrimination against Women adopted the annexed text as the Committee's views under article 7, paragraph 3, of the Optional Protocol in respect of communication No. 5/2005. The views are appended to the present document

Annex

Views of the Committee on the Elimination of Discrimination against Women under article 7, paragraph 3, of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (thirty-ninth session)

Communication No. 5/2005[*]

Submitted by: The Vienna Intervention Centre against Domestic Violence and the Association for Women's Access to Justice on behalf of Hakan Goekce, Handan Goekce, and Guelue Goekce (descendants of the deceased)

Alleged victim: Şahide Goekce (deceased)

State party: Austria

Date of communication: dated 21 July 2004 with supplementary information dated 22 November and 10 December 2004 (initial submissions)

The Committee on the Elimination of Discrimination against Women, established under article 17 of the Convention on the Elimination of All Forms of Discrimination against Women,

Meeting on 6 August 2007,

Having concluded its consideration of communication No. 5/2005, submitted to the Committee on the Elimination of Discrimination against Women by The Vienna Intervention Centre against Domestic Violence and the Association for Women's Access to Justice on behalf of Hakan Goekce, Handan Goekce and Guelue Goekce, descendants of Şahide Goekce (deceased) under the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women,

Having taken into account all written information made available to it by the authors of the communication and the State party,

Adopts the following:

Views under article 7, paragraph 3, of the Optional Protocol

1. The authors of the communication dated 21 July 2004 with supplementary information dated 22 November and 10 December 2004, are the Vienna Intervention Centre against Domestic Violence and the Association for Women's Access to Justice, two organizations in Vienna, Austria, that protect and support women victims of gender-based violence. They claim that Şahide Goekce (deceased), an Austrian national of Turkish origin and former client of the Vienna Intervention

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[*] The following members of the Committee participated in the examination of the present communication: Ferdous Ara Begum, Magalys Arocha Dominguez, Meriem Belmihoub-Zerdani, Saisuree Chutikul, Mary Shanthi Dairiam, Cees Flinterman, Naela Mohamed Gabr, Françoise Gaspard, Violeta Neubauer, Pramila Patten, Silvia Pimentel, Fumiko Saiga, Heisoo Shin, Glenda P. Simms, Dubravka Simonovic, Anamah Tan, Maria Regina Tavares da Silva and Zou Xiaoqiao.

Centre against Domestic Violence, is a victim of a violation by the State party of articles 1, 2, 3 and 5 of the Convention on the Elimination of All Forms of Discrimination against Women. The Convention and its Optional Protocol entered into force for the State party on 30 April 1982 and 22 December 2000, respectively.

The facts as presented by the authors

2.1 The first violent attack against Şahide Goekce by her husband, Mustafa Goekce, that the authors are aware of took place on 2 December 1999 at approximately 4:00 pm in the victim's apartment at which time Mustafa Goekce choked Şahide Goekce and threatened to kill her. Şahide Goekce spent the night with a friend of hers and reported the incident to the police with the help of the Youth Welfare Office of the 15th district of Vienna the following day.

2.2 On 3 December 1999, the police issued an expulsion and prohibition to return order against Mustafa Goekce covering the Goekce apartment, pursuant to Section 38a of the Security Police Act (Sicherheitspolizeigesetz).[a] In the documentation supporting the order, the police officer in charge of the case stated that two light red bruises were visible under Şahide Goekce's right ear that, according to her, were from the choking.

2.3 Under section 107 paragraph 4 of the Penal Code (Strafgesetzbuch), a threatened spouse, direct descendant, brother or sister or relative who lives in the same household of the accused must give authorization in order to prosecute the alleged offender for making a criminal dangerous threat. Şahide Goekce did not authorize the Austrian authorities to prosecute Mustafa Goekce for threatening her life. Mustafa Goekce was, therefore, charged only with the offence of causing bodily harm. He was acquitted because Şahide Goekce's injuries were too minor to constitute bodily harm.

2.4 The next violent incidents of which the authors have knowledge occurred on 21 and 22 August 2000. When the police arrived at the Goekce's apartment on 22 August 2000, Mustafa Goekce was grabbing Şahide Goekce by her hair and was pressing her face to the floor. She later told the police that Mustafa Goekce had threatened to kill her the day before if she reported him to the police. The police issued a second expulsion and prohibition to return order against Mustafa Goekce covering the Goekce's apartment and the staircase of the apartment building, which was valid for 10 days. They informed the Public Prosecutor that Mustafa Goekce had committed aggravated coercion (because of the death threat) and asked that he be detained. The request was denied.

2.5 On 17 December 2001, 30 June 2002, 6 July 2002, 25 August 2002 and 16 September 2002 the police were called to the Goekce's apartment because of reports of disturbances and disputes and/or battering.

2.6 The police issued the third expulsion and prohibition to return order against Mustafa Goekce (valid for 10 days) as a result of an incident on 8 October 2002 that Şahide Goekce had called in; she claimed that Mustafa Goekce called her names, tugged her by her clothes through the apartment, hit her in the face, choked her and again threatened to kill her. Her cheek was bruised and she had haematoma on the right side of her neck. Şahide Goekce pressed charges against her husband for causing bodily harm and making a criminal dangerous threat. The police interrogated Mustafa Goekce and again requested that he be detained. Again, the Public Prosecutor denied the request.

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[a] This act has been translated as both the Security Police Act and the maintenance of Law and Order Act.

2.7 On 23 October 2002, the Vienna District Court of Hernals issued an interim injunction for a period of three months against Mustafa Goekce, which forbade Mustafa Goekce from returning to the family apartment and its immediate environs and from contacting Şahide Goekce or the children. The order was to be effective immediately and entrusted to the police for execution. The children are all minors (two daughters and one son) born between 1989 and 1996.

2.8 On 18 November 2002, the Youth Welfare Office (which had been in constant contact with the Goekce family because of the violent assaults that took place in front of the children) informed the police that Mustafa Goekce had not obeyed the interim injunction and was living in the family apartment. The police did not find him there when they checked.

2.9 The authors indicate that the police knew from other sources that Mustafa Goekce was dangerous and owned a handgun. At the end of November 2002, Remzi Birkent, the father of Şahide Goekce, informed the police that Mustafa Goekce had frequently phoned him and threatened to kill Şahide Goekce or another family member; no police report was filed by the police officer taking the statement of Mr. Birkent. Mustafa Goekce's brother also informed the police about the tension between Şahide Goekce and her husband and that Mustafa Goekce had threatened to kill her several times. His statement was not taken seriously by the police or recorded. The police did not check whether Mustafa Goekce had a handgun even though a weapons prohibition was in effect against him.

2.10 On 5 December 2002, the Vienna Public Prosecutor stopped the prosecution of Mustafa Goekce for causing bodily harm and making a criminal dangerous threat on grounds that there was insufficient reason to prosecute him.

2.11 On 7 December 2002, Mustafa Goekce shot Şahide Goekce with a handgun in their apartment in front of their two daughters. The police report reads that no officer went to the apartment to settle the dispute between Mustafa Goekce and Şahide Goekce prior to the shooting.

2.12 Two-and-a-half hours after the commission of the crime, Mustafa Goekce surrendered to the police. He is reportedly currently serving a sentence of life imprisonment in an institution for mentally disturbed offenders.[b]

The complaint

3.1 The authors complain that Şahide Goekce is a victim of a violation by the State party of articles 1, 2, 3 and 5 of the Convention on the Elimination of All Forms of Discrimination against Women because the State party did not actively take all appropriate measures to protect Şahide Goekce's right to personal security and life. The State party failed to treat Mustafa Goekce as an extremely violent and dangerous offender in accordance with criminal law. The authors claim that the Federal Act for the Protection against Violence within the Family (Bundesgesetz zum Schutz vor Gewalt in der Familie) does not provide the means to protect women from highly violent persons, especially in cases of repeated, severe violence and death threats. Instead, the authors insist that detention is necessary. The authors also allege that had the communication between the police and Public Prosecutor been better and faster, the Public Prosecutor would have known about the ongoing violence and death threats and may have found that he had sufficient reason to prosecute Mustafa Goekce.

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[b] He is reportedly of sound mind (compos mentis) vis-à-vis the murder but was diagnosed to be mentally disturbed to a higher degree generally.

3.2 The authors further contend that the State party also failed to fulfil its obligations stipulated in the general recommendations Nos. 12, 19 and 21 of the Committee on the Elimination of Discrimination against Women, the United Nations Declaration on the Elimination of Violence against Women, the concluding comments of the Committee (June 2000) on the combined third and fourth periodic report and the fifth periodic report of Austria, the United Nations Resolution on Crime Prevention and Criminal Justice Measures to Eliminate Violence against Women, several provisions of the outcome document of the twenty-third special session of the General Assembly, article 3 of the United Nations Universal Declaration of Human Rights, articles 6 and 9 of the International Covenant on Civil and Political Rights, several provisions of other international instruments, and the Austrian Constitution.

3.3 With regard to article 1 of the Convention, the authors contend that women are far more affected than men by the failure of public prosecutors to take domestic violence seriously as a real threat to life and their failure to request detention of alleged offenders as a matter of principle in such cases. Women are also disproportionately affected by the practice of not prosecuting and punishing offenders in domestic violence cases appropriately. Furthermore, women are disproportionately affected by the lack of coordination of law enforcement and judicial personnel, the failure to educate law enforcement and judicial personnel about domestic violence and the failure to collect data and maintain statistics on domestic violence.

3.4 With regard to article 1 together with article 2 (a), (c), (d) and (f) and article 3 of the Convention, the authors maintain that the lack of detention of alleged offenders in domestic violence cases, inadequate prosecution and lack of coordination amongst law enforcement and judicial officials and the failure to collect data and maintain statistics of incidences of domestic violence resulted in inequality in practice and the denial of Şahide Goekce's enjoyment of her human rights. She was exposed to violent assault, battery, coercion and death threats and when Mustafa Goekce was not detained, she was murdered.

3.5 With regard to articles 1 together with 2 (e) of the Convention, the authors state that the Austrian criminal justice personnel failed to act with due diligence to investigate and prosecute acts of violence and protect Şahide Goekce's human rights to life and personal security.

3.6 With regard to article 1 together with article 5 of the Convention, the authors claim that the murder of Şahide Goekce is one tragic example of the prevailing lack of seriousness with which violence against women is taken by the public and by the Austrian authorities. The criminal justice system, particularly public prosecutors and judges, consider the issue a social or domestic problem, a minor or petty offence that happens in certain social classes. They do not apply criminal law to such violence because they do not take the danger seriously and view women's fears and concerns with a lack of gravity.

3.7 The authors request the Committee to assess the extent to which there have been violations of the victim's human rights and rights protected under the Convention and the responsibility of the State party for not detaining the dangerous suspect. The authors also request the Committee to recommend that the State party offer effective protection to women victims of violence, particularly migrant women, by clearly instructing public prosecutors and investigating judges about what they ought to do in cases of severe violence against women.

3.8 The authors further request the Committee to recommend to the State party to implement a "pro-arrest and detention" policy in order to effectively provide safety for women victims of domestic violence and a "pro-prosecution" policy that would convey to offenders and the public that society condemns domestic violence and ensure coordination among the various law enforcement authorities.

3.9 The authors also request the Committee to recommend to the State party to ensure that all levels of the criminal justice system (police, public prosecutors, judges) routinely cooperate with organizations that work to protect and support women victims of gender-based violence and to ensure that training programmes and education on domestic violence be compulsory for criminal justice personnel.

3.10 As to the admissibility of the communication, the authors maintain that there are no other domestic remedies that could possibly have been used to protect Şahide Goekce's personal security and to prevent her homicide. Both the expulsion and prohibition to return orders and the interim injunction proved ineffective. All of the deceased's own attempts to obtain protection (calling the Vienna Police several times when Mustafa Goekce assaulted and choked her; three formal complaints to the police; pressing charges against Mustafa Goekce) and the attempts of others (neighbours calling the Vienna Police, the victim's father reporting on the death threats; Mustafa Goekce's brother reporting that Mustafa Goekce had a handgun) were in vain.

3.11 In the submission of 10 December 2004, the authors indicate that no civil action has been brought by the heirs under the Act on Official [State] Liability The authors contend that such an action would not be an effective remedy against the lack of protection of Şahide Goekce and the failure to prevent her homicide. Suing the State for omissions and negligence would not bring her back and would serve the different purpose of providing the heirs with compensation for sustaining a loss and other damages. The two approaches, compensation on the one hand and protection on the other are opposites. They differ in respect of the beneficiary (the heirs versus the victim), what the intentions are (to compensate for loss versus to save a life) and timing (after death rather than prior to death). If the State party protected women effectively, there would be no need to establish State liability. Additionally, compensation suits entail huge costs. The authors state that they have submitted the communication in order to call the State party to account for its omissions and negligence rather than to obtain compensation for the heirs. Finally, suing the State party would be unlikely to bring effective relief in accordance with article 4 of the Optional Protocol.

3.12 The authors also state that they have not submitted the communication to any other body of the United Nations or any regional mechanism of international settlement or investigation.

3.13 On the issue of *locus standi*, the authors maintain that it is justified and appropriate for them to submit the complaint on behalf of Şahide Goekce — who cannot give consent because she is dead. They consider it appropriate to represent her before the Committee because she was a client of theirs and had a personal relationship with them and because they are special protection and support organizations for women victims of domestic violence; one of the two organizations is an intervention centre against domestic violence that was reportedly established pursuant to Section 25, paragraph 3 of the Federal Security Police Act. They are seeking justice for Şahide Goekce and to improve the protection of women in Austria from domestic violence so that her death would not be in vain. This being said, the authors have obtained the written consent of the City of Vienna Office for Youth and Family Affairs, the guardian of Şahide Goekce's three minor children.

The State party's submission on admissibility

4.1 By its submission of 4 May 2005, the State party describes the sequence of events leading up to the murder of Şahide Goekce. Mustafa Goekce was not prosecuted for making a criminal dangerous threat against Şahide Goekce on 2 December 1999 because she did not authorize the authorities to do so. The authorities proceed to prosecute him for maliciously inflicting bodily harm. According to the court records, Şahide Goekce did not want to testify against Mustafa Goekce and expressly asked the court not to punish her husband. He was acquitted because of an absence of evidence.

4.2 On 23 August 2000, the police issued an expulsion and prohibition to return order against Mustafa Goekce. They reported by phone to the Public Prosecutor about an incident involving aggravated coercion and making a criminal dangerous threat that had occurred the previous day.

4.3 On 18 September 2000, the Public Prosecutor received a written complaint (Anzeige) regarding the incident of 22 August 2000. When interrogated, Şahide Goekce said that she had suffered an epileptic fit and bouts of depression and denied that Mustafa Goekce had threatened to kill her. As a consequence, the Public Prosecutor discontinued the proceedings against Mustafa Goekce for aggravated coercion and making a criminal dangerous threat.

4.4 On 13 January 2001, the court with competence over guardianship matters restricted Mustafa Goekce's and Şahide Goekce's role in the care and upbringing of their children and required them to comply with measures agreed upon in cooperation with the Youth Welfare Office. In its decision, the court noted that Mustafa Goekce and Şahide Goekce always tried to give an impression of living a well-ordered life. When asked about the charges of inflicting bodily harm and making a criminal dangerous threat, both Mustafa Goekce and Şahide Goekce considered it important to note that they had reconciled fully shortly after each incident.

4.5 Mustafa Goekce and Şahide Goekce agreed to go into partner therapy and to stay in contact with the Youth Welfare Office. Until summer 2002, they were in therapy. The city administration also offered them a new and more spacious apartment to meet their pressing accommodation needs. In spite of these arrangements, the police repeatedly intervened in the couple's disputes on 17 December 2001, 30 June 2002, 6 July 2002, 25 August 2002 and 16 September 2002.

4.6 On 23 October 2002 the Hernals District Court issued an interim injunction against Mustafa Goekce pursuant to section 382b of the Act on the Enforcement of Judgments (Exekutionsordnung) that prohibited him from returning to the apartment and its immediate surroundings and from contacting the children and Şahide Goekce. She gave testimony before the judge in the presence of Mustafa Goekce (although she had been informed of her rights) that she would make every effort to keep the family together, that Mustafa Goekce had a very good relationship with the children and that he assisted her in the household because of her epilepsy.

4.7 A police report of 18 November 2002 showed that the Youth Welfare Office requested the police to come to the Goekce apartment because he had violated the interim injunction and was in the apartment. Mustafa Goekce was no longer there when the police arrived. Şahide Goekce seemed angry that the police had come and asked them why they came almost on a daily basis although she had expressly declared that she wished to spend her life together with her husband.

4.8 On 6 December 2002, the Vienna Public Prosecutor's Office withdrew the charges of making a criminal dangerous threat that related to an incident that took place on 8 October 2002, because Şahide Goekce gave a written statement to the Police in which she claimed that a scrap had caused her injury. She also stated that her husband had repeatedly over a number of years threatened to kill her. The Public Prosecutor proceeded on the assumption that the threats were a regular feature of the couple's disputes and would not be carried out. Şahide Goekce repeatedly tried to play down the incidents in the interest of preventing the prosecution of Mustafa Goekce. By doing this and refusing to testify in the criminal proceedings, she contributed to the fact that he could not be convicted of a crime.

4.9 On 7 December 2002, Mustafa Goekce came to the apartment in the early hours of the morning and opened the door with a key given to him by Şahide Goekce one week earlier. He left the apartment at 8:30 am only to return at noon. Şahide Goekce shouted at him that he was not the father of all her children and Mustafa Goekce shot her dead with a handgun that he had purchased three weeks earlier, despite a valid weapons prohibition against him.

4.10 According to an expert witness at the trial of Mustafa Goekce, he had committed the murder under the influence of a paranoid jealousy psychosis which absolved him of criminal responsibility. For this reason, the Vienna Public Prosecutor's Office requested that he be placed in an institution for the criminally insane. On 23 October 2003, the Vienna Regional Criminal Court ordered Mustafa Goekce to be placed in such an institution.

4.11 As to admissibility, the State party disputes that domestic remedies have been exhausted. Firstly, Şahide Goekce did not give the competent authorities her authorization to prosecute Mustafa Goekce for making a criminal dangerous threat. Nor was she prepared to testify against him. She asked the court not to punish her husband and, after filing charges, regularly made great efforts to play down the incidents and deny their criminality.

4.12 The State party further argues that the Federal Act for the Protection against Violence within the Family constitutes a highly effective system to combat domestic violence and establishes a framework for effective cooperation among various institutions. Details are provided about aspects of the system, including the role of intervention centres. In addition to criminal measures, there are a number of police and civil-law measures to protect against domestic violence. Shelters supplement the system. It is possible to settle disputes in less severe cases under the Maintenance of Law and Order Act (Sicherheitspolizeigesetz).

4.13 Şahide Goekce never made use of section 382b of the Act on the Enforcement of Judgments to request an interim injunction against Mustafa Goekce. Instead, she made it clear that she was not interested in further interference with her family life. She never made a clear decision to free herself and the children from their relationship with her husband (for example, she gave him the keys to the apartment, despite there being a valid interim injunction). Without such a decision on the part of Ms. Goekce, the authorities were limited in the actions that they could take to protect her. Effective protection was doomed to fail without her cooperation.

4.14 Against this background, the use of detention was not justified in relation to the incident of 8 October 2002. Mustafa Goekce had no criminal record and the Public Prosecutor did not know at the time that Mustafa Goekce had a weapon. The Public Prosecutor did not consider that the known facts indicated an imminent danger of Mustafa Goekce committing a homicide; detention could only be justified *ultima ratio*. In light of Şahide Goekce's apparent anger at the police's intervention on 18 November 2002 (see above paragraph 4.7), the Public Prosecutor could not assume that the charge would lead to a conviction and prison sentence. The court must take the principle of proportionality into account when detaining a defendant and must, in any event, set aside the detention if the duration becomes disproportionate to the expected sentence.

4.15 Furthermore, Şahide Goekce would have been free to address the Constitutional Court (Verfassungsgerichtshof) with a complaint in accordance with article 140, paragraph 1 of the Federal Constitution (Bundes-Verfassungsgesetz) that would challenge the provision that did not allow her to appeal against the decisions of the Public Prosecutor not to issue a warrant for the arrest of Mustafa Goekce. Assuming that they can show a current and direct interest in the preventive effect of the repeal of the pertinent provision for the benefit of victims of domestic violence, such as Şahide Goekce, it may still be possible for her surviving heirs to address the Constitutional Court on this question.

4.16 The State party also argues that special training courses are held on a regular basis for judges and the police on domestic violence. Cooperation between judges and the police is constantly reviewed in order to ensure more rapid intervention by organs of the State — the aim being to prevent as far as possible tragedies such as that of Şahide Goekce without improper interference into a person's family life and other basic rights.

The author's comments on the State party's observations on admissibility

5.1 By their submission of 31 July 2005, the authors contend that the victim and the authors have exhausted all domestic remedies, which would have been likely to bring sufficient relief. They claim that there is no legal obligation to apply for civil measures — such as an interim injunction.

5.2 The authors also are of the view that the idea of requiring a woman who is under threat of death to file an application to the Constitutional Court was not an argument put forward by the State party in good faith. The procedure lasts for some two to three years and, for this reason, would be unlikely to bring sufficient relief to a woman who has been threatened with death.

5.3 The authors consider that the State party has wrongfully placed the burden and responsibility of taking steps against a violent husband on the victim and has failed to understand the danger the victim faces and the power of the perpetrator over the victim. The authors, therefore, believe that section 107 paragraph 4 of the Penal Code covering authorization for prosecutions against persons who make criminal dangerous threats should be repealed so that the burden will be placed on the State — where it belongs — and would reinforce the fact that making a criminal threat is a crime against the community as well as a crime against an individual victim.

5.4 The authors clarify that Şahide Goekce was afraid to leave her violent husband. Victims try to avoid actions that might increase the danger they face (the "Stockholm Syndrome") and often feel compelled to act in the interest of the perpetrator. She should not be blamed for not being in a position to separate due to psychological, economic and social factors.

5.5 The authors also dispute the State party's description of certain facts; Mustafa Goekce (and not Şahide Goekce) stated that she had an epileptic fit and suffered from depression. She did not, as claimed by the State party, deny the threats of her husband. She refused to testify against Mustafa Goekce only once. If Şahide Goekce played down the incidents in front of the Youth Welfare Office, it was because she was afraid to lose her children. The authors also point out that Mustafa Goekce quit therapy and that it would have been easy for the police to discover that Mustafa Goekce was carrying a gun. They also point out that Şahide Goekce called the police the night before she was killed — a fact that demonstrates how great her fear was and that she was willing to take steps to prevent him from coming to the apartment.

5.6 As to the State party's comments about effective cooperation among various institutions, the police and the Public Prosecutor only began to talk to the Vienna Intervention Centre against Domestic Violence after Şahide Goekce's death.

Additional comments of the State party on admissibility

6.1 By its submission of 21 October 2005, the State party firmly rejects the arguments put forward by the authors and maintains its previous submission. The State party points out that the authors not only refer to alleged failures on the part of the competent Public Prosecutor and investigating judge but to the law itself. Their criticism relates to the legal framework, the application of legal provisions that protect the right to life, physical integrity and the right to respect for private and family life and the failure to take enough effective measures in a general, abstract way.

6.2 Under article 140, paragraph 1 of the Federal Constitution any individual may challenge legal provisions for being unconstitutional if he/she alleges direct infringement of individual rights insofar as the law has been operative for that individual without the delivery of a judicial decision or ruling. There are no time limits for filing such applications.

6.3 The aim of the procedure would be to redress an alleged violation in law. The Constitutional Court only considers the application legitimate if in repealing the provision at issue, the legal position of the applicant would be changed to such an extent that the alleged negative legal implications no longer exist. Furthermore, the legally-protected interests of the applicant must be actually affected. This must be the case both at the time that the application is filed and when the Constitutional Court takes its decision. Successful applicants are entitled to compensation.

6.4 Section 15 of the Constitutional Court Act (Verfassungsgerichtshofgesetz) contains the general requirements as to form when addressing the Constitutional Court. These requirements include: that the application must be in writing; that the application must refer to a specific provision in the Constitution; the applicant must set out the facts; and the application must contain a specific request. Under section 62, paragraph 1 of the Act, the application must state precisely which provisions should be repealed. Moreover, the application must explain in detail why the challenged provisions are unlawful and to what extent the law had been operative for the applicant without the delivery of a judicial decision or ruling. Under section 17, paragraph 2 of the Act, applications must be filed by an authorized lawyer.

6.5 If the Constitutional Court agrees with the applicant, it issues a ruling setting aside these provisions. The Federal Chancellor is then under an obligation to promulgate the repeal of these provisions in the Federal Law Gazette, which comes into force at the end of the day of its promulgation. The Constitutional Court may also set a maximum deadline of 18 months for the repeal — which does not necessarily apply to the applicants, themselves. A time limit is fixed if the legislature is to be given an opportunity to introduce a new system that complies with the constitutional framework. In light of its previous decisions, it can be assumed that the Constitutional Court would make use of the latter possibility if it were to decide that a provision should be repealed.

6.6 The procedure under article 140, paragraph 1 of the Federal Constitution may indeed take two to three years, as stated by the authors. However, proceedings may be shorter if their urgency is explained to the Constitutional Court. Constitutional Court proceedings do not provide rapid redress. However, article 4, paragraph 1 of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women prescribes the exhaustion of all available domestic remedies unless the proceedings would be unreasonably prolonged or no effective relief could be expected.

6.7 The requirement of exhausting domestic remedies reflects a general principle of international law and a usual element of international human rights mechanisms. It gives the State concerned an opportunity to remedy human rights violations first at the domestic level.

6.8 The State party argues that Şahide Goekce or her surviving relatives should have made use of the possibility of filing an individual application before the Constitutional Court before submitting a communication to the Committee, as required by article 4, paragraph 1 of the Optional Protocol. The proceedings before the Constitutional Court are not unreasonably prolonged. Moreover, it cannot be said, in light of the case law of the Court, that the surviving relatives would not be entitled to file an individual application because — as far as can be seen — no similar cases have been brought before the Court.

6.9 The State party further maintains that article 4, paragraph 1 of the Optional Protocol does not include only remedies that are successful in any event. If successful, the application could lead to the repeal of the procedural provisions in dispute or to the introduction by the legislature of a new system in the field of domestic violence in line with the intentions of the authors. It is true that now, after the death of Şahide Goekce, there is no effective relief with respect to the effective protection of her personal security and life. However, in the present proceedings, the Committee should examine at the admissibility stage whether Şahide Goekce had an opportunity under domestic law to subject the legal provisions which prevented her from asserting her rights to a constitutional review and whether her surviving relatives have an opportunity to make use of the same mechanism to repeal the legal provisions of concern at the domestic level in order to realize their aims.

Issues and proceedings before the Committee concerning admissibility

7.1 During its thirty-fourth session (16 January to 3 February 2006), the Committee considered the admissibility of the communication in accordance with rules 64 and 66 of its rules of procedure. It ascertained that the matter had not already been or was being examined under another procedure of international investigation or settlement.

7.2 With regard to article 4, paragraph 1 of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (the domestic remedies rule), the Committee noted that authors must use the remedies in the domestic legal system that were available to them and would enable them to obtain redress for the alleged violations. The substance of their complaints that were subsequently brought before the Committee should first be made to an appropriate domestic body. Otherwise, the motivation behind the provision would be lost. The domestic remedies rule was designed so that States parties have an opportunity to remedy a violation of any of the rights set forth under the Convention through their legal systems before the Committee addresses the same issues. The Human Rights Committee had recently recalled the rationale of its corresponding rule in Panayote Celal, on behalf of his son, Angelo Celal, v. Greece (1235/2003), paragraph 6.3:

> "The Committee recalls that the function of the exhaustion requirement under article 5, paragraph 2 (b), of the Optional Protocol is to provide the State party itself with the opportunity to remedy the violation suffered ..."

7.3 The Committee noted that, in communications denouncing domestic violence, the remedies that came to mind for purposes of admissibility related to the obligation of a State party concerned to exercise due diligence to protect; investigate the crime, punish the perpetrator, and provide compensation as set out in general recommendation 19 of the Committee.

7.4 The Committee considered that the allegations made relating to the obligation of the State party to have exercised due diligence to protect Şahide Goekce were at the heart of the communication and were of great relevance to the heirs. Thus, the question as to whether domestic remedies had been exhausted in accordance with article 4, paragraph 1 of the Optional Protocol must be examined in relation to these allegations. The allegations essentially related to flaws in law as well as the alleged misconduct or negligence of the authorities in applying the measures that the law provided. With regard to alleged flaws in law, the authors claimed that, according to the Penal Code, Şahide Goekce was unable to appeal against the decisions made by the Public Prosecutor not to detain her husband for making a criminal dangerous threat against her. The State party argued that a procedure, the aim of which would be to redress an alleged violation in law, was set out under article 140, paragraph 1 of the Federal Constitution and would have been available to the deceased and remained available to her descendants. The State party submitted that the failure of the deceased and her descendants to use the procedure should have barred the admissibility of the communication.

7.5 The Committee noted that the procedure under article 140 paragraph 1 of the Federal Constitution could not be regarded as a remedy, which was likely to bring effective relief to a woman whose life was under a criminal dangerous threat. Neither did the Committee regard this domestic remedy as being likely to bring effective relief in the case of the deceased's descendants in light of the abstract nature of such a constitutional remedy. Accordingly, the Committee concluded that, for purposes of admissibility with regard to the authors' allegations about the legal framework for the protection of women in domestic violence situations in relation to the deceased no remedies existed which were likely to bring effective relief and that the communication in this respect was therefore admissible. In the absence of information on other available, effective remedies, which Şahide Goekce or her heirs could have pursued or still might have pursued, the Committee concluded that the authors' allegations relating to the actions or omissions of public officials were admissible.

7.6 On 27 January 2006, the Committee declared the communication admissible.

The State party's request for a review of admissibility and submission on the merits

8.1 By its submission of 12 June 2006, the State party requests the Committee to review its decision on admissibility. The State party reiterates that the descendants of Şahide Goekce should avail themselves of the procedure under article 140, paragraph 1 of the Federal Constitution in order to try to bring about an amendment to the legal provision that barred Şahide Goekce from appealing against the decisions made by the Public Prosecutor not to detain Mustafa Goekce. It maintains that this remedy is quite effective to pursue the aim of the communication at the domestic level.

8.2 The State party also submits that, after the Public Prosecutor dropped the charges against Mustafa Goekce, Şahide Goekce would have been free to bring an action, known as "associated prosecution" (Subsidiaranklage), against her husband. The Austrian legal system provides that an injured person may bring an action instead of the Public Prosecutor if the latter drops the charges and refuses to prosecute the offender. The Public Prosecutor is under an obligation to inform the injured person of this option.

8.3 The State party revisits the sequence of events leading up to the murder of Şahide Goekce. The State party indicates that a comprehensive report on the case of Mustafa Goekce by the Vienna Senior Public Prosecutor's Office confirms that Şahide Goekce did not authorise the prosecution of her husband for making a criminal dangerous threat against her on 2 December 1999 and that the charges against him had to be dropped as a result. With regard to the ex officio prosecution of Mustafa Goekce for maliciously inflicting bodily harm in relation to the same incident, Şahide Goekce confirmed in the Fünfhaus District Court what her husband had stated, i.e. that she was epileptic and was suffering bouts of depression and that the bruising on her neck was caused by her husband holding her. Mustafa Goekce was acquitted of the charges of maliciously inflicting bodily harm in the absence of further evidence against him.

8.4 The State party provides more information relating to the incident that occurred on 21 August 2000: records show that Şahide Goekce was not injured and that Mustafa Goekce did not hit her; she was informed about possible means of protection that the Federal Act for the Protection against Violence within the Family provides and given a leaflet with information for victims of violence; the Vienna Intervention Centre and the Youth Welfare Office were also informed ex officio about this incident; and on 24 August 2000, Mustafa Goekce went to the Schmelz police office together with the couple's son, Hakan Goekce, who stated that his mother had started quarrelling with his father and had attacked him.

8.5 The State party asserts that, on 1 September 2000, Şahide Goekce (who, according to the record was questioned in her husband's absence) stated that her husband never threatened to kill her. She had had an epileptic fit and perhaps in her confusion made the accusations against her husband; during such fits she made weird statements, which she could not remember afterwards. On 20 September 2000, the Public Prosecutor withdrew the charges against Mustafa Goekce.

8.6 The State party submits that the Public Prosecutor brought charges against Mustafa Goekce for causing bodily harm and threatening to kill Şahide Goekce immediately following the 8 October 2002 incident. However, he did not request that Mustafa Goekce be arrested. Şahide Goekce reported to the police without her husband being present that he had choked her and threatened to kill her. She was again informed in detail about the possibility of filing a request for an interim injunction under section 382b of the Act on the Enforcement of Judgments and was given an information sheet for victims of violence. Mustafa Goekce completely denied the charges against him. There was evidence that Mustafa Goekce was slightly injured during the quarrel on 8 October 2002.

8.7 The State party submits that Şahide Goekce was given the opportunity to testify without her husband being present at the interim injunction hearings at the Hernals District Court. At those hearings Şahide Goekce stated that she would make every effort to keep the family together. She also stated that he had a very good relationship to the children and helped her with the household. According to a report of the police inspectorate Kriminalkommissariat West, Mustafa Goekce subsequently repeatedly disregarded the interim injunction and the police responded by coming to the Goekce home several times to the annoyance of Şahide Goekce.

8.8 The State party submits that the Public Prosecutor withdrew the charges against Mustafa Goekce on 6 December 2002 because it could not be proved with sufficient certainty that Mustafa Goekce was guilty of making criminal dangerous threats against his wife that went beyond the harsh statements resulting from his background. As regards the physical evidence, the State party maintains that it could not be ascertained which spouse started the aggressive acts. The State party also submits that proceedings against Mustafa Goekce for causing bodily harm were discontinued because he had no criminal record and because it could not be excluded that Şahide Goekce had attacked her husband.

8.9 By judgment of 17 October 2003, the Vienna Regional Criminal Court ordered that Mustafa Goekce be placed in an institution for mentally deranged offenders for killing Şahide Goekce. According to the expert opinion obtained by the Court, Mustafa Goekce committed the offence under the influence of a jealousy psychosis that absolved him of criminal responsibility.

8.10 The State party notes that it is difficult to make a reliable prognosis as to how dangerous an offender is and that it is necessary to determine whether detention would amount to a disproportionate interference in a person's basic rights and fundamental freedoms. The Federal Act for the Protection against Violence within the Family aims to provide a highly effective yet proportionate way of combating domestic violence through a combination of criminal and civil-law measures, police activities and support measures. Close cooperation is required between criminal and civil courts, police organs, youth welfare institutions and institutions for the protection of victims, including in particular, intervention centres for protection against violence within the family, as well as rapid exchange of information between the authorities and institutions involved.

8.11 The State party points out that, aside from settling disputes, the police issue expulsion and prohibition to return orders, which are less severe measures than detention. Section 38a, paragraph 7 of the Security Police Act requires the police to review compliance with expulsion and prohibition to return orders at least once in the first three days. According to the instructions of the Vienna Federal Police Directorate, it is best for the police to carry out the review through personal contact with the person at risk in the home without prior warning at a time when it is likely that someone will be at home. Police inspectorates in Vienna must keep a domestic violence index file in order to be able to rapidly access reliable information.

8.12 The State party indicates that its legislation is subject to regular evaluation as is the electronic register of judicial proceedings. Increased awareness has led to significant law reform and enhanced protection of victims of domestic violence, such as the abolition of the requirement in section 107 paragraph 4 of the Penal Code that a threatened family member must authorise the prosecution of a perpetrator who has made a criminal dangerous threat.

8.13 The State party maintains that the issue of domestic violence and promising counterstrategies have regularly been discussed at meetings between the heads of the Public Prosecutor's Offices and representatives of the Federal Ministry of the Interior, including in connection with the case at issue. It also maintains that considerable efforts are being made to improve cooperation between Public Prosecutor's Offices and intervention centres against violence within the family. The State party also refers to efforts in the area of statistics made by the Federal Ministry of the Interior and its subordinate bodies.

8.14 The State party indicates that the Federal Act for the Protection against Violence within the Family and its application in practice are key elements of the training of judges and public prosecutors. Examples of seminars and local events on victim protection are given. Future judges are provided each year with information on "violence within the family", "protection of victims" and "law and the family". Programmes cover the basics of the phenomenon of violence against women and children, including forms, trauma, post-traumatic consequences, dynamics of violent relationship, psychology of offenders, assessment factors of how dangerous an offender is, institutions of support, laws and regulations and the electronic registers. Interdisciplinary and comprehensive training has also been carried out.

8.15 The State party recognizes the need for persons affected by domestic violence to be informed about legal avenues and available counselling services. The State party reports that judges provide information at district courts free of charge once a week to anyone interested in the existing legal protection instruments. Psychological advice is also provided, including at the Hernals District Court. The State party also indicates that pertinent information is offered (posters and flyers in Arabic, German, English, French, Polish, Russian, Serbo-Croat, Spanish and Hungarian) at district courts. A toll-free Hotline for Victims has also been installed where lawyers provide legal advice around the clock free of charge. The State party further submits that women's homes act as shelters where women victims of violence are offered counselling, care and assistance in dealing with public authorities. In domestic violence cases where an expulsion and prohibition to return order has been issued, police officers must inform persons at risk of the possibility of obtaining an interim injunction under section 382a of the Act on the Enforcement of Judgments. In Vienna, the person concerned is given an information sheet (available in English, French, Serbian, Spanish and Turkish).

8.16 The State party submits that the authors of the present communication give abstract explanations as to why the Federal Act for the Protection Against Violence in the Family as well as practice regarding detentions in domestic violence cases and prosecution and punishment of offenders allegedly violate articles 1, 2, 3 and 5 of the Convention. The State party considers that it is evident that its legal system provides for comprehensive measures to combat domestic violence adequately and efficiently. The State party maintains that Şahide Goekce was offered numerous forms of assistance by the State in the case at issue.

8.17 The State party further submits that detention is ordered when there are sufficiently substantiated fears that a suspect would carry out a threat if he/she were not detained. It maintains that mistakes in assessing how dangerous an offender is cannot be excluded in an individual case. The State party asserts that, although the present case is an extremely tragic one, the fact that detention must be weighed against an alleged perpetrator's right to personal freedom and a fair trial cannot be overlooked. Reference is made to the case law of the European Court of Human Rights that depriving a person of his or her freedom is, in any event, *ultima ratio* and may be imposed only if and insofar as this is not disproportionate to the purpose of the measure. The State party also contends that, were all sources of danger to be excluded, detention would need to be ordered in situations of domestic violence as a preventive measure. This would reverse the burden of proof and be in strong contradiction with the principles of the presumption of innocence and the right to a fair hearing. Protecting women through positive discrimination by, for example, automatically arresting, detaining, prejudging and punishing men as soon as there is suspicion of domestic violence, would be unacceptable and contrary to the rule of law and fundamental rights.

8.18 The State party maintains that it would have been possible for the author to file a complaint at any time against the Public Prosecutor for his/her conduct pursuant to section 37 of the Public Prosecutors Act. Furthermore, Şahide Goekce did not avail herself of any of the various available avenues of redress. Her failure to authorize the prosecution of Mustafa Goekce for making a criminal dangerous threat in December 1999 and the fact that she largely refused to testify and asked the Court not to punish her husband resulted in his acquittal. Şahide Goekce claimed that her allegations regarding the August 2000 incident were made while she was in a state of confusion as a result of depression and again, the Public Prosecutor determined that there was no adequate basis to prosecute Mustafa Goekce. The State party further submits that the facts that were available concerning the incident of 8 October 2002 did not indicate that Mustafa Goekce should be detained either. The Public Prosecutor was unaware that Mustafa Goekce was in possession of a firearm. Lastly, the State party submits that it could not be deduced from police reports and other records that there was a danger that Mustafa Goekce would actually commit the criminal act.

8.19 The State party summarizes its position by asserting that Şahide Goekce could not be guaranteed effective protection because she had not been prepared to cooperate with the Austrian authorities. In the light of the information available to the public authorities, any further interference by the State in the fundamental rights and freedoms of Mustafa Goekce would have not been permissible under the Constitution.

8.20 The State party asserts that its system of comprehensive measures[c] aimed at combating domestic violence does not discriminate against women and the authors' allegations to the contrary are unsubstantiated. Decisions, which appear to be inappropriate in retrospect (when more comprehensive information is available) — are not discriminatory *eo ipso*. The State party maintains that it complies with its obligations under the Convention concerning legislation and implementation and that there has been no discrimination against Şahide Goekce as a woman.

8.21 In the light of the above, the State party asks the Committee to reject the present communication as inadmissible; *in eventu*, to reject it for being manifestly ill founded and, *in eventu*, to hold that the rights of Şahide Goekce under the Convention have not been violated.

Authors' comments on the State party's request for a review of admissibility and submission on the merits

9.1 By their submission of 30 November 2006, the authors argue that neither the children of the victim nor the authors intended to have statutory provisions reviewed by the Constitutional Court — a motion that would be deemed inadmissible. They would have lacked standing to bring such an action before the Constitutional Court. The authors note that the main focus of the communication is that legal provisions were not applied — not that those provisions should be amended or repealed. Furthermore, the authors claim that their suggestions for improvements to the existing laws and enforcement measures could never be realized by means of a constitutional complaint. Therefore, bringing a constitutional complaint should not be regarded as a domestic remedy for purposes of article 4, paragraph 1 of the Optional Protocol.

9.2 The authors consider that it is inadmissible at this stage for the State party to introduce an argument concerning the remedy of "associated prosecution" in light of the fact that the State party was given two earlier opportunities to comment on the question of admissibility, besides which this remedy would be costly and would not bring any effective relief. The authors are of the view that the Optional Protocol and the rules of procedure of the Committee as well as general legal principles ("ne bis in idem") do not provide for reversing the admissibility decision of 27 January 2006.

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[c] To illustrate the effectiveness of the measures, which are applied, the State party submits the statistics on prohibition orders to enter the common home and other legal measures.

9.3 The authors note that the State party refers to actions taken and legal provisions that entered into force years after the murder of Şahide Goekce.

9.4 The authors submit that the observations of the State party place the burden and responsibility for dealing with the violent husband on the victim and place the blame on her for not having taken appropriate action. The authors assert that this position demonstrates how little the authorities understand about the dynamics of partner violence, the dangerous situation of the victim and the power that the perpetrator has over the victim, whom he ended up killing.

9.5 The authors note that the State party acknowledged every violent incident that took place. However, the authors maintain that the State party did not describe some of the details accurately. The authors claim that it was Mustafa Goekce who stated that Şahide Goekce had had an epileptic fit — the explanation for the bruising on her neck — and that he comforted her.

9.6 The authors dispute the State party's contention that Şahide Goekce asked the Court not to punish her husband or denied that he had threatened to kill her. They claim that the record of the interrogation shows that Mustafa Goekce repeatedly said that he would kill Şahide Goekce. Moreover, Şahide Goekce only once refused to testify against her husband and the reason for there being no further criminal proceedings was that the Public Prosecutor did not initiate them. As to the State party's assertion that Şahide Goekce played down the incidents before the Youth Welfare Office, the authors submit that Şahide Goekce would have been afraid of losing her children and of the social and cultural contempt for a woman of Turkish descent whose children had been taken away.

9.7 The authors point out that the State party admits that Mustafa Goekce repeatedly ignored the interim injunction issued by the District Court of Hernals. The authors criticize the police for not having taken seriously the information that they received from the brother of Mustafa Goekce about the weapon.

9.8 The authors argue that the State party has not taken responsibility for the failures of the authorities and officers. They submit that when making a determination about detaining Mustafa Goekce, the State party should have conducted a comprehensive assessment of how dangerous Mustafa Goekce would become. Furthermore, the State party should have considered the social and psychological circumstances of the case. The authors consider that the exclusive use of civil remedies was inappropriate because they do not prevent very dangerous violent criminals from committing or repeating offences.

9.9 The authors draw attention to flaws in the system of protection. One such flaw is that the police and public prosecutors are unable to communicate with each other rapidly enough. Another such flaw is that police files regarding domestic violence are not made available to the officers who operate the emergency call services. The authors also complain that systematically coordinated and/or institutionalized communication between the Public Prosecutor's Office and the Family Court does not exist. They also maintain that government funding remains inadequate to provide extensive care for all victims of domestic violence.

9.10 The authors refer to an exchange of information between representatives of the police and a representative of the Intervention Centre shortly after Şahide Goekce was killed, during which the Chief of Police admitted to deficits in the emergency call service. The authors state that in the instant case, Şahide Goekce called this service a few hours before she was killed, yet no patrol car was sent to the scene. While the Chief of Police requested representatives of the Intervention Centre to instruct victims about the information that they should provide to the police, the authors argue that it would not be reasonable to expect victims of violence to provide in an emergency all information that may be relevant considering their mental state. Furthermore, regarding the instant case, German was not Şahide Goekce's mother tongue. The authors maintain that the authorities should gather data about dangerous violent offenders in a systematic manner that can be retrieved anywhere in an emergency.

9.11 The authors submit that it is incorrect to claim that Şahide Goekce did not avail herself of the available avenues of redress. In 2002, the year she was killed, Şahide Goekce repeatedly tried to obtain help from the police — but she and her family were not taken seriously; often their complaints were not recorded. Further, the authors argue that several physical attacks by Mustafa Goekce were known to the police but not adequately documented such that the information could be retrieved for use in assessing how dangerous he might become. The authors maintain that the potential for violence on the part of a spouse who does not accept being separated from the other spouse/family is extremely high. In the specific case of Şahide Goekce, her spouse was unreasonably jealous and unwilling to accept a separation, which constituted a high risk that was not taken into account.

The State party's supplementary observations

10.1 By its submission of 19 January 2007, the State party provides detailed information about the so-called "associated prosecution", whereby a private party takes over the prosecution of the defendant. The State party submits that the requirements are more stringent than those that apply to the Public Prosecutor in order to prevent chicanery. Under this procedure, a person whose rights have allegedly been violated through the commission of a crime becomes a private party to the proceedings.

10.2 The State party indicates that Şahide Goekce was informed of her right to "associated prosecution" on 14 December 1999, 20 September 2000 and 6 December 2002.

10.3 The State party also submits that Şahide Goekce would have been entitled to bring a complaint under section 37 of the Public Prosecutor's Act (Staatsanwaltschaftsgesetz) to either the head of the Public Prosecutor's Office in Vienna, the Senior Public Prosecutor's Office or the Federal Ministry of Justice, had she considered the official actions of the responsible Public Prosecutor to have been unlawful. There are no formal requirements and complaints may be filed in writing, by e-mail or by fax or telephone.

10.4 The State party indicates that an interim injunction for protection against domestic violence may be sought by persons who live or have lived with a perpetrator in a family relationship or a family-like relationship under section 382b of the Act on the Enforcement of Judgments, when there have been physical attacks, threats of physical attacks or any conduct that severely affects the mental health of the victim and when the home fulfils the urgent accommodation needs of the applicant. The perpetrator may be ordered to leave the home and the immediate surroundings and prohibited from returning. If further encounters become unacceptable, the perpetrator may be banned from specifically defined places and given orders to avoid encounters as well as contact with the applicant so long as this does not infringe upon important interests of the perpetrator. In cases where an interim injunction has been issued, the public security authorities may determine that an expulsion order (Wegweisung) is also necessary as a preventive measure.

10.5 The State party states that interim injunctions can be issued during divorce proceedings, marriage annulment and nullification proceedings, during proceedings to determine the division of matrimonial property or the right to use the home. In such cases, the interim injunction is valid for the duration of the proceedings. If no such proceedings are pending, an interim injunction may be issued for a maximum of three months. An expulsion and prohibition to return order expires after 10 days but is extended for another 10 days if a request for an interim injunction is filed.

Review of admissibility

11.1 In accordance with rule 71, paragraph 2 of its rules of procedure, the Committee has re-examined the communication in light of all the information made available to it by the parties, as provided for in article 7, paragraph 1, of the Optional Protocol.

11.2 As to the State party's request to review admissibility on the grounds that Şahide Goekce's heirs did not avail themselves of the procedure under article 140, paragraph 1 of the Federal Constitution, the Committee notes that the State party has not introduced new arguments that would alter the Committee's view that, in light of its abstract nature, this domestic remedy would not be likely to bring effective relief.

11.3 As to the State party's argument that Şahide Goekce, as a private individual, would have been free to bring an action, known as "associated prosecution" against her husband after the Public Prosecutor decided to drop the charges against him, the Committee does not regard this remedy as having been *de facto* available to the author, considering that the requirements for a private individual to take over the prosecution of the defendant are more stringent than those for the Public Prosecutor, that German was not Şahide Goekce's mother tongue and, most importantly, that she was in a situation of protracted domestic violence and threats of violence. Moreover, the fact that the State party introduced the notion of "associated prosecution" late in the proceedings indicates that this remedy is rather obscure. Accordingly, the Committee does not find the remedy of "associated prosecution" to be a remedy that Şahide Goekce would have been obliged to exhaust under article 4, paragraph 1 of the Optional Protocol.

11.4 As to the State party's contention that Şahide Goekce would have been entitled to bring a complaint under section 37 of the Public Prosecutor's Act, the Committee considers that this remedy — designed to determine the lawfulness of official actions of the responsible Public Prosecutor — cannot be regarded as a remedy which is likely to bring effective relief to a woman whose life is under a dangerous threat, and should thus not bar the admissibility of the communication.

11.5 The Committee will proceed to consideration of the merits of the communication.

Consideration of the merits

12.1.1 As to the alleged violation of the State party's obligation to eliminate violence against women in all its forms in relation to Şahide Goekce in articles 2 (a) and (c) through (f), and article 3 of the Convention, the Committee recalls its general recommendation 19 on violence against women. This general recommendation addresses the question of whether States parties can be held accountable for the conduct of non-State actors in stating that "… discrimination under the Convention is not restricted to action by or on behalf of Governments …" and that "[U]nder general international law and specific human rights covenants, States may also be responsible for private acts if they fail to act with due diligence to prevent violations of rights or to investigate and punish acts of violence, and for providing compensation".

12.1.2 The Committee notes that the State party has established a comprehensive model to address domestic violence that includes legislation, criminal and civil-law remedies, awareness raising, education and training, shelters, counselling for victims of violence and work with perpetrators. However, in order for the individual woman victim of domestic violence to enjoy the practical realization of the principle of equality of men and women and of her human rights and fundamental freedoms, the political will that is expressed in the aforementioned comprehensive system of Austria must be supported by State actors, who adhere to the State party's due diligence obligations.

12.1.3 In the instant case, the Committee notes that during the three-year period starting with the violent episode that was reported to the police on 3 December 1999 and ending with the shooting of Şahide Goekce on 7 December 2002, the frequency of calls to the police about disturbances and disputes and/or battering increased; the police issued prohibition to return orders on three separate occasions and twice requested the Public Prosecutor to order that Mustafa Goekce be detained; and a three month interim injunction was in effect at the time of her death that prohibited Mustafa Goekce from returning to the family apartment and its immediate environs and from contacting Şahide Goekce or the children. The Committee notes that Mustafa Goekce shot Şahide Goekce dead with a handgun that he had purchased three weeks earlier, despite a valid weapons prohibition against him as well as the uncontested contention by the authors that the police had received information about the weapon from the brother of Mustafa Goekce. In addition, the Committee notes the unchallenged fact that Şahide Goekce called the emergency call service a few hours before she was killed, yet no patrol car was sent to the scene of the crime.

12.1.4 The Committee considers that given this combination of factors, the police knew or should have known that Şahide Goekce was in serious danger; they should have treated the last call from her as an emergency, in particular because Mustafa Goekce had shown that he had the potential to be a very dangerous and violent criminal. The Committee considers that in light of the long record of earlier disturbances and battering, by not responding to the call immediately, the police are accountable for failing to exercise due diligence to protect Şahide Goekce.

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[d] See paragraph 9.3 of the Committee's views on communication No. 2/2003, A.T. v. Hungary.

12.1.5 Although, the State party rightly maintains that, it is necessary in each case to determine whether detention would amount to a disproportionate interference in the basic rights and fundamental freedoms of a perpetrator of domestic violence, such as the right to freedom of movement and to a fair trial, the Committee is of the view, as expressed in its views on another communication on domestic violence, that the perpetrator's rights cannot supersede women's human rights to life and to physical and mental integrity.[d] In the present case, the Committee considers that the behaviour (threats, intimidation and battering) of Mustafa Goekce crossed a high threshold of violence of which the Public Prosecutor was aware and as such the Public Prosecutor should not have denied the requests of the police to arrest Mustafa Goekce and detain him in connection with the incidents of August 2000 and October 2002.

12.1.6 While noting that Mustafa Goekce was prosecuted to the full extent of the law for killing Şahide Goekce, the Committee still concludes that the State party violated its obligations under article 2 (a) and (c) through (f), and 3 of the Convention read in conjunction with article 1 of the Convention and general recommendation 19 of the Committee and the corresponding rights of the deceased Şahide Goekce to life and physical and mental integrity.

12.2 The Committee notes that the authors also made claims that articles 1 and 5 of the Convention were violated by the State party. The Committee has stated in its general recommendation 19 that the definition of discrimination in article 1 of the Convention includes gender-based violence. It has also recognized that there are linkages between traditional attitudes by which women are regarded as subordinate to men and domestic violence. At the same time, the Committee is of the view that the submissions of the authors of the communication and the State party do not warrant further findings.

12.3 Acting under article 7, paragraph 3, of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, the Committee on the Elimination of Discrimination against Women is of the view that the facts before it reveal a violation of the rights of the deceased Şahide Goekce to life and physical and mental integrity under article 2 (a) and (c) through (f), and article 3 of the Convention read in conjunction with article 1 of the Convention and general recommendation 19 of the Committee and makes the following recommendations to the State party:

(a) Strengthen implementation and monitoring of the Federal Act for the Protection against Violence within the Family and related criminal law, by acting with due diligence to prevent and respond to such violence against women and adequately providing for sanctions for the failure to do so;

(b) Vigilantly and in a speedy manner prosecute perpetrators of domestic violence in order to convey to offenders and the public that society condemns domestic violence as well as ensure that criminal and civil remedies are utilized in cases where the perpetrator in a domestic violence situation poses a dangerous threat to the victim, and also ensure that in all action taken to protect women from violence, due consideration is given to the safety of women, emphasizing that the perpetrator's rights cannot supersede women's human rights to life and to physical and mental integrity;

(c) Ensure enhanced coordination among law enforcement and judicial officers; and also ensure that all levels of the criminal justice system (police, public prosecutors, judges) routinely cooperate with non-governmental organizations that work to protect and support women victims of gender-based violence;

(d) Strengthen training programmes and education on domestic violence for judges, lawyers and law enforcement officials, including on the Convention on the Elimination of All Forms of Discrimination against Women, general recommendation 19 of the Committee, and the Optional Protocol thereto.

12.4 In accordance with article 7, paragraph 4, the State party shall give due consideration to the views of the Committee, together with its recommendations, and shall submit to the Committee, within six months, a written response, including any information on any action taken in the light of the views and recommendations of the Committee. The State party is also requested to publish the Committee's views and recommendations and to have them translated into the German language and widely distributed in order to reach all relevant sectors of society.

B. Views of the Committee in respect of communication No. 6/2005

Submitted by:	The Vienna Intervention Centre against Domestic Violence and the Association for Women's Access to Justice on behalf of Banu Akbak, Gülen Khan, and Melissa Özdemir (descendants of the deceased)
Alleged victim:	Fatma Yildirim (deceased)
State party:	Austria
Date of communication:	Dated 21 July 2004 with supplementary information dated 22 November and 10 December 2004 (initial submissions)

On 6 August 2007 the Committee on the Elimination of Discrimination against Women adopted the annexed text as the Committee's views under article 7, paragraph 3, of the Optional Protocol in respect of communication No. 6/2005. The Views are appended to the present document.

Annex

Views of the Committee on the Elimination of Discrimination against Women under article 7, paragraph 3, of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (thirty-ninth session)

Communication No. 6/2005*

Submitted by:	The Vienna Intervention Centre against Domestic Violence and the Association for Women's Access to Justice on behalf of Banu Akbak, Gülen Khan, and Melissa Özdemir (descendants of the deceased)
Alleged victim:	Fatma Yildirim (deceased)
State party:	Austria
Date of communication:	Dated 21 July 2004 with supplementary information dated 22 November and 10 December 2004 (initial submissions)

The Committee on the Elimination of Discrimination against Women, established under article 17 of the Convention on the Elimination of All Forms of Discrimination against Women,

Meeting on 6 August 2007,

Having concluded its consideration of communication No. 2005, submitted to the Committee on the Elimination of Discrimination against Women by the Vienna Intervention Centre against Domestic Violence and the Association for Women's Access to Justice on behalf of Banu Akbak, Gülen Khan, and Melissa Özdemir, descendants of the Fatma Yildirim (deceased) under the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women,

Having taken into account all written information made available to it by the authors of the communication and the State party,

Adopts the following:

Views under article 7, paragraph 3, of the Optional Protocol

1. The authors of the communication dated 21 July 2004 with supplementary information dated 22 November and 10 December 2004, are the Vienna Intervention Centre against Domestic Violence and the Association for Women's Access to Justice, two organizations in Vienna, Austria, that protect and support women victims of gender-based violence. They claim that Fatma Yildirim (deceased), an

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* The following members of the Committee participated in the examination of the present communication: Ferdous Ara Begum, Magalys Arocha Dominguez, Meriem Belmihoub-Zerdani, Saisuree Chutikul, Mary Shanthi Dairiam, Cees Flinterman, Naela Mohamed Gabr, Françoise Gaspard, Violeta Neubauer, Pramila Patten, Silvia Pimentel, Fumiko Saiga, Heisoo Shin, Glenda P. Simms, Dubravka Šimonović, Anamah Tan, Maria Regina Tavares da Silva and Zou Xiaoqiao.

Austrian national of Turkish origin and former client of the Vienna Intervention Centre against Domestic Violence, is a victim of a violation by the State party of articles 1, 2, 3 and 5 of the Convention on the Elimination of All Forms of Discrimination against Women. The Convention and its Optional Protocol entered into force for the State party on 30 April 1982 and 22 December 2000, respectively.

The facts as presented by the authors

2.1 The authors state that Fatma Yildirim married Irfan Yildirim on 24 July 2001. She had three children from her first marriage,[a] two of whom are adults. Her youngest daughter, Melissa, was born on 30 July 1998.

2.2 Irfan Yildirim reportedly threatened to kill Fatma Yildirim for the first time during an argument while the couple was on a trip to Turkey in July 2003. On their return to Austria, they constantly argued. Fatma Yildirim wanted to divorce Irfan Yildirim, but he would not agree and threatened to kill her and her children should she divorce him.

2.3 On 4 August 2003, fearing for her life, Fatma Yildirim and her five-year-old daughter, Melissa, moved in with her eldest daughter, Gülen, at 18/29-30 Haymerlegasse. On 6 August 2003, believing that Irfan Yildirim was at work, she returned to their apartment to pick up some of her personal belongings. Irfan Yildirim entered the apartment while she was still there. He grabbed her wrists and held her — but she managed to escape. Subsequently, he called her on her cell phone and threatened to kill her again and she went to the Vienna Federal Police, District Department Ottakring, to report Irfan Yildirim for assault and for making a criminal dangerous threat.

2.4 On 6 August 2003 the police issued an expulsion and prohibition to return order against Irfan Yildirim covering the apartment pursuant to section 38a of the Security Police Act (Sichersheitspolizeigesetz)[b] and informed the Vienna Intervention Centre against Domestic Violence and the Youth Welfare Office of the issuance of the order and the grounds therefore. The police also reported to the Vienna Public Prosecutor on duty that Irfan Yildirim had made a criminal dangerous threat against Fatma Yildirim and requested that Irfan Yildirim be detained. The Public Prosecutor rejected that request.

2.5 On 8 August 2003, with the assistance of the Vienna Intervention Centre against Domestic Violence, Fatma Yildirim applied on her own behalf and on behalf of her youngest daughter, to the Vienna District Court of Hernals for an interim injunction against Irfan Yildirim. The Vienna District Court of Hernals informed the Vienna Federal Police, District Department Ottakring, about the application.

2.6 That same day, Irfan Yildirim appeared at Fatma Yildirim's workplace and harassed her. The police were called in to settle the dispute, but they did not report the incident to the Public Prosecutor. Later on, Irfan Yildirim threatened Fatma Yildirim's 26-year-old son, who reported the incident to the police.

2.7 On 9 August, Irfan Yildirim threatened to kill Fatma Yildirim at her workplace. She called the police from her cell phone. By the time that the police arrived at

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[a] Signed consent forms from two adult children and one minor represented by her father have been received.

[b] This act has been translated as both the Security Police Act and the Maintenance of Law and Order Act.

Fatma Yildirim's workplace Irfan Yildirim had left — but was ordered to return there and the police spoke to him. Fatma Yildirim reported Irfan Yildirim to the police again after he threatened her and her son later that night and the police responded by speaking to him on his cell phone.

2.8 On 11 August 2003, Irfan Yildirim came to Fatma Yildirim's workplace at 7:00 pm. He stated that his life was over, that he would kill her and that her homicide would appear in the newspaper. When she called the police, Irfan Yildirim ran away. The police passed on the complaint to police inspectorate 17.

2.9 On 12 August 2003, a staff member (name is given) of the Vienna Intervention Centre against Domestic Violence informed the police at the Vienna Federal Police, District Department Ottakring, by fax message of the death threats made on 9 and 11 August 2003, of the harassment at Fatma Yildirim's workplace, and of her application for an interim injunction. The police were given Fatma Yildirim's new cell phone number so that the police would always be able to reach her. The police were also asked to pay more attention to her case.

2.10 On 14 August 2003, Fatma Yildirim gave a formal statement about the threats made to her life to the police, who in turn reported to the Vienna Public Prosecutor on duty, requesting that Irfan Yildirim be detained. Again, this request was refused.

2.11 On 26 August 2003, Fatma Yildirim filed a petition for divorce at the Vienna District Court of Hernals.

2.12 On 1 September 2003, the Vienna District Court of Hernals issued an interim injunction pursuant to section 382b of the Act on the Enforcement of Judgments (Exekutionsordnung) against Irfan Yildirim for Fatma Yildirim valid until the end of the divorce proceedings and an interim injunction for Melissa valid for three months. The order forbade Irfan Yildirim from returning to the family's apartment and its immediate surroundings, from going to Fatma Yildirim's workplace and from meeting or contacting Fatma Yildirim or Melissa.

2.13 On 11 September 2003, at approximately 10:50 pm, Irfan Yildirim followed Fatma Yildirim home from work and fatally stabbed her on Roggendorfgasse, which is near the family's apartment.

2.14 Irfan Yildirim was arrested while trying to enter Bulgaria on 19 September 2003. He has been convicted of killing Fatma Yildirim and is serving a sentence of life imprisonment.

The complaint

3.1 The authors complain that Fatma Yildirim is a victim of a violation by the State party of articles 1, 2, 3 and 5 of the Convention on the Elimination of All Forms of Discrimination against Women because of the failure of the State party to take all appropriate positive measures to protect Fatma Yildirim's right to life and personal security. In particular, the authors allege that communication between the police and Public Prosecutor did not adequately allow the Public Prosecutor to assess the danger posed by Irfan Yildirim and that on two occasions the Public Prosecutor should have requested the investigating judge to order the detention of Irfan Yildirim under section 180, paragraph 2, subparagraph 3 of the Code of Criminal Procedure (Strafprozessordnung).

3.2 The authors further contend that the State party also failed to fulfil its obligations stipulated in general recommendations Nos. 12, 19 and 21, of the Committee on the Elimination of Discrimination against women, the United Nations Declaration on the Elimination of Violence against Women, the concluding comments of the Committee (June 2000) on the combined third and fourth periodic report and the fifth periodic report of Austria, the United Nations Resolution on Crime Prevention and Criminal Justice Measures to Eliminate Violence against Women, several provisions of the outcome document of the twenty-third special session of the General Assembly, article 3 of the United Nations Universal Declaration of Human Rights, articles 6 and 9 of the International Covenant on Civil and Political Rights, several provisions of other international instruments, and the Austrian Constitution.

3.3 With regard to article 1 of the Convention, the authors contend that in practice the criminal justice system predominantly and disproportionately negatively affects women. They mention in particular that women are far more affected than men by the failure of public prosecutors to request that alleged offenders be detained. They are also disproportionately affected by the practice of not appropriately prosecuting and punishing offenders in domestic violence cases. Furthermore, women are disproportionately affected by the lack of coordination of law enforcement and judicial personnel, the failure to educate law enforcement and judicial personnel about domestic violence and the failure to collect data and maintain statistics on domestic violence.

3.4 With regard to article 1 together with article 2 (a), (c), (d) and (f) and article 3 of the Convention, the authors maintain that the lack of detention of offenders in domestic violence cases, inadequate prosecution and lack of coordination amongst law enforcement and judicial officials and the failure to collect data and maintain statistics of incidences of domestic violence resulted in inequality in practice and the denial of Fatma Yildirim's enjoyment of her human rights.

3.5 With regard to articles 1 together with 2 (e) of the Convention, the authors state that the Austrian criminal justice personnel failed to act with due diligence to investigate and prosecute acts of violence and protect Fatma Yildirim's human rights to life and personal security.

3.6 With regard to article 1 together with article 5 of the Convention, the authors claim that the murder of Fatma Yildirim is one tragic example of the prevailing lack of seriousness with which violence against women is viewed by the public and by the Austrian authorities. The criminal justice system, particularly public prosecutors and judges, consider the issue a social or domestic problem, a minor or petty offence that happens in certain social classes. They do not apply criminal law to such violence because they do not take the danger seriously.

3.7 The authors request the Committee to assess the extent to which there have been violations of the victim's human rights and rights protected under the Convention and the responsibility of the State party for not detaining the dangerous suspect. The authors also request the Committee to recommend that the State party offer effective protection to women victims of violence, particularly migrant women, by clearly instructing public prosecutors and investigating judges what they ought to do in cases of severe violence against women.

3.8 The authors request the Committee to recommend to the State party, to implement a "pro-arrest and detention" policy in order to effectively provide safety for women victims of domestic violence and a "pro-prosecution" policy that would convey to offenders and the public that society condemns domestic violence and ensure coordination among the various law enforcement authorities. They also request the Committee generally to use its authority under article 5, paragraph 1 of the Optional Protocol concerning interim measures as it did in A. T. v Hungary (communication No. 2/2003).

3.9 The authors also request the Committee to recommend to the State party to ensure that all levels of the criminal justice system (police, public prosecutors, judges) routinely cooperate with organizations that work to protect and support women victims of gender-based violence and to ensure that training programmes and education on domestic violence is compulsory.

3.10 As to the admissibility of the communication, the authors maintain that there are no other domestic remedies that could possibly have been taken to protect Fatma Yildirim's personal security and to prevent her homicide. Both the expulsion and prohibition to return order and the interim injunction proved ineffective.

3.11 In the submission of 10 December 2004 it is said that Fatma Yildirim's youngest child (represented by her biological father) has brought a civil action under the Act on Official [State] Liability.[c] Under this Act the children are able to sue the State for compensation for psychological damages, expenses for psychotherapy in order to cope with the death of their mother, compensation for funeral costs and child support for the youngest child. The authors contend that this is not an effective remedy for the lack of protection of Fatma Yildirim and the failure to prevent her homicide. Suing for omissions and negligence does not bring her back and serves the different purpose of providing compensation for a sustained loss and damages. The two approaches, compensation on the one hand and protection on the other are opposites. They differ in respect of the beneficiary (the heirs versus the victim), what the intentions are (to compensate for loss versus to save a life) and timing (after death rather than prior to death). If the State party protected women effectively, there would be no need to establish State liability. Additionally, compensation suits entail huge costs. The authors state that they have submitted the communication in order to call the State party to account for its omissions and negligence rather than to obtain compensation for the heirs. Finally, suing the State party would be unlikely to bring effective relief in accordance with article 4 of the Optional Protocol.

3.12 The authors also state that they have not submitted the communication to any other body of the United Nations or any regional mechanism of international settlement or investigation.

3.13 On the issue of *locus standi*, the authors maintain that it is justified and appropriate for them to submit the complaint on behalf of Fatma Yildirim — who cannot give consent because she is dead. They consider it appropriate to represent her before the Committee because she was a client of theirs and had a personal relationship to them and because they are special protection and support organizations for women victims of domestic violence; one of the two organizations is an intervention centre against domestic violence that was reportedly established pursuant to Section 25, paragraph 3 of the Federal Security Police Act. They are seeking justice for Fatma Yildirim and to improve the protection of women in Austria from domestic violence so that her death would not be in vain. This being said, the authors have obtained the written consent of the adult children and of the father of the child who is still a minor.

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[c] The earlier submission of 27 July 2004 states that the children are suing the Vienna Federal Police and the Ministry of the Interior or the Vienna Public Prosecutor and the Ministry of Justice, respectively.

The State party's submission on admissibility

4.1 By its submission of 4 May 2005, the State party confirms the facts of the communication and adds that Irfan Yildirim was sentenced to life imprisonment by the final judgment of the Vienna Regional Criminal Court (Landesgericht für Strafsachen) of 14 September 2004 on charges of murder and making a dangerous criminal threat.

4.2 Melissa Özdemir, the minor daughter of the deceased officially filed liability claims against Austria, which were, however, rejected because the Court considered that the measures taken by the Vienna Public Prosecutor's Office were justifiable. The Public Prosecutor had to consider ex ante the issue of filing a request for detention and — in addition to examining the further requirements — had to weigh the basic right to life and physical integrity of the person filing the complaint against the basic right to freedom of the suspect, who had no criminal record at the time and did not give the impression to the intervening police officers of being highly aggressive. That this assessment later proved insufficient, despite a comprehensive evaluation of the relevant circumstances, did not make the Public Prosecutor's action unjustifiable. Melissa Özdemir may still assert her claims under civil law.

4.3 The State party argues that the Federal Act for the Protection against Violence within the Family (Bundesgesetz zum Schutz vor Gewalt in der Familie) constitutes a highly effective system to combat domestic violence and establishes a framework for effective cooperation among various institutions. Police officers are able to order a potential offender to leave (Wegweisung). A prohibition order to enter the common home (Betretungsverbot) is issued if there are no grounds for detention under the penal code and "less severe" means are to be used. The law provides for victim support by intervention centres against violence within the family. Police officers are obliged to notify such a centre when a prohibition order is issued. The centre subsequently must support and advise the victim — but does not have the right to represent the person concerned. These prohibition orders are usually valid for 10 days. When the person concerned files an application with a court for an interim injunction the prohibition order is extended to 20 days. In addition to the penal measures, there are a number of police and civil-law measures to protect against domestic violence. The system is supplemented by shelters. It is possible to settle disputes in less severe cases under the Maintenance of Law and Order Act (Sichersheitspolizeigesetz). Section 382b of the Act on the Enforcement of Judgments (Executionsordnung) allows courts to issue injunctions against alleged offenders for a period of three months. The period may be extended under certain circumstances at the request of the alleged victim.

4.4 The State party also argues that special training courses are held on a regular basis for judges and the police on domestic violence. Cooperation between judges and the police is constantly reviewed in order to ensure more rapid intervention by organs of the State — the aim being to prevent as far as possible the tragedy that befell Fatma Yildirim without improper interference into a person's family life and other basic rights. Such tragedies do not indicate discrimination against women under the Convention.

4.5 The State party suggests that the imposition of detention constitutes massive interference with a person's fundamental freedoms, which is why detention may only be imposed as *ultima ratio*. The proportionality assessment is a forward-looking evaluation of how dangerous the person concerned is and whether that person will commit an offence that must be weighed against a suspect's fundamental freedoms and rights. Moreover, Irfan Yildirim had no criminal record, did not use a weapon and appeared quiet and cooperative to the police officers who intervened. Fatma Yildirim had no apparent injuries. On this basis, and taking into account that a suspect must be presumed innocent, the Public Prosecutor finally decided in the concrete case not to file a request to detain Irfan Yildirim because — from an *ex ante* point of view — this would not have been proportionate.

4.6 The State party furthermore argues that the persons who are now intervening on behalf of the victim would have been free to address the Constitutional Court on grounds that no appeal was available to Fatma Yildirim against the Public Prosecutor's failure twice to comply with the request to issue an arrest warrant. Her surviving dependants might be free under article 140, paragraph 1 of the Federal Constitution to challenge the pertinent provisions of the penal code before the Constitutional Court. They could claim to be currently and directly affected, stating that they have a current and direct interest in the preventive effect of an annulment of the pertinent provisions for the benefit of victims of domestic violence such as Fatma Yildirim. This Court would be the competent one to review the relevant legal provisions and to set them aside, if necessary.

The author's comments on the State party's observations on admissibility

5.1 By their submission of 31 July 2005, the authors contend that the victim and the authors have exhausted all domestic remedies, which would have been likely to bring sufficient relief. They argue that the fact that the daughter of the deceased may still bring a civil action should not prevent them from submitting a communication, and has no legal effect on admissibility.

5.2 The authors also are of the view that the idea of requiring a woman who is under threat of death to file an application to the Constitutional Court was not an argument put forward by the State party in good faith. The procedure lasts for some two to three years and for this reason would be unlikely to bring sufficient relief to a woman who has been threatened with death.

5.3 The authors dispute the State party's interpretation of the fact that the Public Prosecutor did not order that Irfan Yildirim be detained. He had been aware of all the violent incidents. The Public Prosecutor would have reacted differently had a public figure received death threats; the alleged offender would have very likely been arrested immediately and the public figure would have had police protection until the arrest. To the contention of the State party that Irfan Yildirim had not given the impression to the intervening police officers of being highly aggressive, the authors argue that his aggression was directed towards Fatma Yildirim and not the police and that the type of risk assessment used by the authorities was simplistic and unprofessional. The case of Fatma Yildirim shows that even when the victim reported all incidents and threats and is willing to authorize prosecution of an alleged offender, the Public Prosecutor does not offer effective protection from further violence. The Public Prosecutor had no contact with the alleged offender and relied on oral reports from a lawyer in the police department who had no direct experience with the case or direct contact with the deceased. The evaluation of how dangerous Irfan Yildirim was had not been comprehensive and important facts had not been taken into account or taken seriously enough. Irfan Yildirim may not have had a criminal record, but police reports had mentioned the death threats that he had made. Hence there was no protection against an alleged offender who had never been convicted.

Additional comments of the State party on admissibility

6.1 By its submission of 21 October 2005, the State party fully maintains its previous submission.

6.2 The State party points out that the authors state that it is not possible to complain against those decisions made by the Public Prosecutor against detaining alleged offenders or against prosecuting them. They contend that the measures provided under the Federal Law on Protection against Domestic Violence are not efficient enough to protect women really effectively. They also mention that the Public Prosecutor may only request that a suspect be placed in detention if the Public Prosecutor also decides to conduct a criminal investigation and prosecute. Hence, the authors refer to alleged failures of the competent Public Prosecutor and investigating judge as well as to the law, itself — i.e. to the application of the law and the legal framework.

6.3 Any individual may challenge the constitutionality of legal provisions so long has he/she alleges direct infringement of individual rights insofar as the law has become operative for that individual — without the delivery of a decision or ruling by the courts (Individualantrag). There are no time limits for filing such an application.

6.4 The aim of the procedure would be to redress an alleged violation in law. The Constitutional Court only considers the application legitimate if in repealing the provision at issue, the legal position of the applicant would be changed to such an extent that the alleged negative legal implications no longer exist. Furthermore, the legally protected interests of the applicant must be actually affected. This must be the case both at the time that the application is filed and when the Constitutional Court takes its decision. Successful applicants are entitled to compensation.

6.5 Section 15 of the Constitutional Court Act (Verfassungsgerichtshofgesetz) contains the general requirements as to form when addressing the Constitutional Court. These requirements include: that the application must be in writing; that the application must refer to a specific provision in the Constitution; the applicant must set out the facts; and the application must contain a specific request. Under section 62, paragraph 1 of the Act, the application must state precisely which provisions should be repealed. Moreover, the application must explain in detail why the challenged provisions are unlawful and to what extent the law had been operative for the applicant without the delivery of a judicial decision or ruling. Under section 17, paragraph 2 of the Act, applications must be filed by an authorized lawyer.

6.6 If the Constitutional Court concludes that the challenged provisions are contrary to the Constitution, it issues a ruling setting aside these provisions. The Federal Chancellor will then be under an obligation to promulgate the repeal of these provisions in the Federal Law Gazette (Bundesgesetzblatt), which comes into force at the end of the day of its promulgation. The Constitutional Court may also set a maximum deadline of 18 months for the repeal — which does not necessarily apply to the applicants, themselves. A time limit is fixed if the legislature is to be given an opportunity to introduce a new system that complies with the constitutional framework. In light of its previous decisions, it can be assumed that the Constitutional Court would make use of this possibility if the Court were to decide that a provision should be repealed.

6.7 The State party admits that proceedings before the Constitutional Court under article 140, paragraph 1 of the Federal Constitution do not provide an avenue of very rapid redress. However, article 4, paragraph 1 of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women prescribes the exhaustion of all available domestic remedies unless the proceedings would be unreasonably prolonged or no effective relief could be expected.

6.8 The requirement of exhausting domestic remedies reflects a general principle of international law and a usual element of international human rights mechanisms. It gives the State concerned an opportunity to remedy human rights violations first at the domestic level (subsidiarity of the international instrument of legal protection).

6.9 In the concrete case, the individual application should state in detail which elements or words in the legal provision should be repealed. In the present case, it appears, that the relevant words appear to be "only upon the Public Prosecutor's request", in section 180, paragraph 1 of the Code of Criminal Procedure (Strafprozessordnung). An application to the Constitutional Court would need to set out all legal provisions which, in the applicants' view, are contrary to their interest in asserting their rights guaranteed by the Constitution.

6.10 The State party maintains that the surviving relatives of Fatma Yildirim should have made use of the possibility of filing an individual application before the Constitutional Court before addressing the Committee, as required by article 4, paragraph 1 of the Optional Protocol. The proceedings before the Constitutional Court are not unreasonably prolonged. Moreover, it cannot be said, in light of the case law of the Court, that the surviving relatives would not be entitled to file an individual application because — as far as can be seen — no similar cases have been brought before the Court.

6.11 Article 4, paragraph 1 of the Optional Protocol does not only include remedies that are always successful. Then again, the authors have not alleged that the constitutional procedure under article 140, paragraph 1 of the Federal Constitution is totally unsuitable as a remedy. The authors aim to bring effective relief with respect to the effective protection of women's life and personal security. To that end, it would have been possible to initiate the procedure to amend the problematic legal provisions by filing an individual application with the Constitutional Court.

6.12 Although it is true that, after her death, there is no effective relief with respect to the protection of the life and personal security of Fatma Yildirim, it is Austria's view that this question should not be examined at the admissibility stage of the proceedings under the Optional Protocol. The question is rather whether her surviving relatives would have had an opportunity to make use of a remedy that is suited to repealing legal provisions at the domestic level in order to realize their aims.

Issues and proceedings before the Committee concerning admissibility

7.1 During its thirty-fourth session (16 January-3 February 2006), the Committee considered the admissibility of the communication in accordance with rules 64 and 66 of its rules of procedure. It ascertained that the matter had not already been or was being examined under another procedure of international investigation or settlement.

7.2 With regard to article 4, paragraph 1 of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (the domestic remedies rule), the Committee noted that authors must use the remedies in the domestic legal system that were available to them and would enable them to obtain redress for the alleged violations. The substance of their complaints that were subsequently brought before the Committee should first be made to an appropriate domestic body. Otherwise, the motivation behind the provision would be lost. The domestic remedies rule was designed so that States parties have an opportunity to remedy a violation of any of the rights set forth under the Convention through their legal systems before the Committee addresses the same issues. The Human Rights Committee had recently recalled the rationale of its corresponding rule in Panayote Celal, on behalf of his son, Angelo Celal, v. Greece (1235/2003), paragraph 6.3:

> "The Committee recalls that the function of the exhaustion requirement under article 5, paragraph 2 (b), of the Optional Protocol is to provide the State party itself with the opportunity to remedy the violation suffered ..."

7.3 The Committee noted that in communications denouncing domestic violence, the remedies that came to mind for purposes of admissibility related to the obligation of a State party concerned to exercise due diligence to protect; investigate the crime, punish the perpetrator, and provide compensation as set out in general recommendation 19 of the Committee.

7.4 The Committee considered that the allegations made relating to the obligation of the State party to have exercised due diligence to protect Fatma Yildirim were at the heart of the communication and were of great relevance to the heirs. Thus, the question as to whether domestic remedies had been exhausted in accordance with article 4, paragraph 1 of the Optional Protocol must be examined in relation to these allegations. The allegations essentially related to flaws in law as well as the alleged misconduct or negligence of the authorities in applying the measures that the law provided. With regard to alleged flaws in law, the authors claimed that, according to the Penal Code, Fatma Yildirim was unable to appeal against the decisions made by the Public Prosecutor not to detain her husband for making a criminal threat against her. The State party argued that a procedure, the aim of which would be to redress an alleged violation in law, was set out under article 140, paragraph 1 of the Federal Constitution and would have been available to the deceased and remains available to her descendants. The State party submitted that the failure of the deceased and her descendants to use the procedure should have barred the admissibility of the communication.

7.5 The Committee noted that the procedure under article 140 paragraph 1 of the Federal Constitution could not be regarded as a remedy which was likely to bring effective relief to a woman whose life was under a dangerous criminal threat. Neither did the Committee regard this domestic remedy as being likely to bring effective relief in the case of the deceased's descendants in light of the abstract nature of such a constitutional remedy. Accordingly, the Committee concluded that for purposes of admissibility with regard to the authors' allegations about the legal framework for the protection of women in domestic violence situations in relation to the deceased no remedies existed which were likely to bring effective relief and that the communication in this respect was therefore admissible. In the absence of information on other available, effective remedies, which Fatma Yildirim or her heirs could have pursued or still might have pursued, the Committee concluded that the authors' allegations relating to the actions or omissions of public officials were admissible.

7.6 The Committee noted that Melissa Özdemir, the minor daughter of the deceased filed liability claims against Austria, which were, however, rejected. It noted that the State party argued that claims may still be made under civil law. In the absence of information on this or any other available, effective remedies, which Fatma Yildirim or her heirs could have or still might have pursued, the Committee concluded that the authors' allegations relating to the actions or omissions of public officials were admissible.

7.7 On 27 January 2006, the Committee declared the communication admissible.

The State party's request for a review of admissibility and submission on the merits

8.1 By its submission of 12 June 2006, the State party requests the Committee to review its decision on admissibility. The State party reiterates that the descendants of Fatma Yildirim should avail themselves of the procedure under article 140, paragraph 1 of the Federal Constitution, because this is the only way within the Austrian system to assert that a legal provision should be amended. The Constitutional Court might take a decision that would aim to induce the legislator to enact without delay another regulation that would conform to the Constitution. Such decisions are always substantiated and often also contain references to the elements that a new regulation should contain. Therefore, the State party maintains that this remedy is quite effective to pursue the aim of the communication at the domestic level.

8.2 The State party refers to the liability proceedings pursued by Melissa Özdemir, the surviving minor daughter of Fatma Yildirim. It indicates that, at the time that the State party submitted its first observations, she had written a letter to the Austrian authorities asserting that she should be compensated by the Federal Government, represented by the Attorney General's Department.

8.3 The State party explains that in civil law, the Federal Government can be held liable for damage to property or persons when that damage is inflicted as a result of unlawful conduct. The State party specifies that the claims of Melissa Özdemir were not recognized by the Government of Austria because, in the circumstance of the case, the procedure followed by the Vienna Public Prosecutor's Office was considered to have been acceptable. Melissa Özdemir subsequently filed a court action against the Government of Austria. The decision dated 21 October 2005 of the first instance court, the Vienna Regional Civil Court (Landesgericht für

Zivilrechtssachen), dismissed her action. The Vienna Court of Appeal (Oberlandesgericht) confirmed that decision on 31 May 2006.

8.4 The State party revisits the sequence of events leading up to the murder of Fatma Yildirim. As of July 2003, after Fatma Yildirim stated that she intended to divorce her husband, Irfan Yildirim, he had threatened her by phone and later at her place of work; his threats included that he would kill her. As of August 2003, Irfan Yildirim had also threatened to murder her son. On 4 August 2003, Fatma Yildirim moved out of the couple's apartment. Two days later she reported her husband to the police because of the threats. As a result, the police issued an expulsion and prohibition to return order against Irfan Yildirim and immediately informed the Public Prosecutor's Office thereof. The Public Prosecutor's Office decided to bring charges against him but did not order that he be detained. Subsequently, upon a request from Fatma Yildirim, the Hernals District Court issued an interim injunction, prohibiting her husband from returning to the couple's apartment and the immediate surroundings and her workplace as well as from contacting her. Despite police interventions and court orders, Irfan Yildirim made continuous efforts to contact Fatma Yildirim and threaten her. The Vienna Public Prosecutor instituted charges against Irfan Yildirim for making a criminal dangerous threat. The State party maintains that, at that time an arrest warrant seemed disproportionately invasive since Irfan Yildirim had no criminal record and was socially integrated. Irfan Yildirim killed Fatma Yildirim on 11 September 2003 on her way from her workplace to her home.

8.5 The State party further recalls that Irfan Yildirim was sentenced to life imprisonment on charges of murder pursuant to section 75 of the Penal Code (Strafgesetzbuch); the final judgment was rendered by the Vienna Regional Criminal Court on 14 September 2004. He is currently serving his sentence.

8.6 The State party notes that it is difficult to make a reliable prognosis as to how dangerous an offender is and that it is necessary to determine whether detention would amount to a disproportionate interference in a person's basic rights and fundamental freedoms. The Federal Act for the Protection against Violence within the Family aims to provide a highly effective yet proportionate way of combating domestic violence through a combination of criminal and civil-law measures, police activities and support measures. Close cooperation is required between criminal and civil courts, police organs, youth welfare institutions and institutions for the protection of victims, including in particular, intervention centres for protection against violence within the family, as well as rapid exchange of information between the authorities and institutions involved. In the case of Fatma Yildirim, it is evident from the file that the Vienna Intervention Centre against Domestic Violence was informed by fax two hours after the expulsion and prohibition to return order against Irfan Yildirim entered into force.

8.7 The State party points out that, aside from settling disputes, the police issue expulsion and prohibition to return orders, which are less severe measures than detention. Section 38a, paragraph 7 of the Security Police Act requires the police to review compliance with expulsion and prohibition to return orders at least once in the first three days. In the case of Fatma Yildirim, the control took place on the evening of the same day on which the prohibition to return was issued. According to the instructions of the Vienna Federal Police Directorate, it is best for the police to carry out the review through personal contact with the person at risk in the home without prior warning at a time when it is likely that someone will be at home. Police inspectorates in Vienna must keep a domestic violence index file in order to be able to rapidly access reliable information.

8.8 The State party indicates that its legislation is subject to regular evaluation as is the electronic register of judicial proceedings. Increased awareness has led to significant law reform and enhanced protection of victims of domestic violence, such as the abolition of the requirement in section 107 paragraph 4 of the Penal Code that a threatened family member must authorise the prosecution of a perpetrator who has made a criminal dangerous threat.

8.9 The State party maintains that the issue of domestic violence and promising counterstrategies have regularly been discussed at meetings between the heads of the Public Prosecutor's Offices and representatives of the Federal Ministry of the Interior, including in connection with the case at issue. It also maintains that considerable efforts are being made to improve cooperation between Public Prosecutor's Offices and intervention centres against violence within the family. The State party also refers to efforts in the area of statistics made by the Federal Ministry of the Interior and its subordinate bodies.

8.10 The State party indicates that the Federal Act for the Protection against Violence within the Family and its application in practice are key elements of the training of judges and public prosecutors. Examples of seminars and local events on victim protection are given. Future judges are provided each year with information on "violence within the family", "protection of victims" and "law and the family". Programmes cover the basics of the phenomenon of violence against women and children, including forms, trauma, post-traumatic consequences, dynamics of violent relationship, psychology of offenders, assessment factors of how dangerous an offender is, institutions of support, laws and regulations and the electronic registers. Interdisciplinary and comprehensive training has also been carried out.

8.11 The State party recognizes the need for persons affected by domestic violence to be informed about legal avenues and available counselling services. The State party reports that judges provide information at district courts free of charge once a week to anyone interested in the existing legal protection instruments. Psychological advice is also provided, including at the Hernals District Court. The State party also indicates that pertinent information is offered (posters and flyers in Arabic, German, English, French, Polish, Russian, Serbo-Croat, Spanish and Hungarian) at district courts. A toll-free Hotline for Victims has also been installed where lawyers provide legal advice around the clock free of charge. The State party further submits that women's homes act as shelters where women victims of violence are offered counselling, care and assistance in dealing with public authorities. In domestic violence cases where an expulsion and prohibition to return order has been issued, police officers must inform persons at risk of the possibility of obtaining an interim injunction under section 382a of the Act on the Enforcement of Judgments. In Vienna, the person concerned is given an information sheet (available in English, French, Serbian, Spanish and Turkish).

8.12 The State party submits that the authors of the present communication give abstract explanations as to why the Federal Act for the Protection Against Violence in the Family as well as practice regarding detentions in domestic violence cases and prosecution and punishment of offenders allegedly violate articles 1, 2, 3 and 5 of the Convention. The State party considers that it is evident that its legal system provides for comprehensive measures to combat domestic violence adequately and efficiently.

8.13 The State party further submits that detention is ordered when there are sufficiently substantiated fears that a suspect would carry out a threat if he/she were not detained. It maintains that mistakes in assessing how dangerous an offender is cannot be excluded in an individual case. The State party asserts that, although the present case is an extremely tragic one, the fact that detention must be weighed against an alleged perpetrator's right to personal freedom and a fair trial cannot be overlooked. Reference is made to the case law of the European Court of Human Rights that depriving a person of his or her freedom is, in any event, *ultima ratio* and may be imposed only if and insofar as this is not disproportionate to the purpose of the measure. The State party also contends that, were all sources of danger to be excluded, detention would need to be ordered in situations of domestic violence as a preventive measure. This would reverse the burden of proof and be in strong contradiction with the principles of the presumption of innocence and the right to a fair hearing. Protecting women through positive discrimination by, for example, automatically arresting, detaining, prejudging and punishing men as soon as there is suspicion of domestic violence, would be unacceptable and contrary to the rule of law and fundamental rights.

8.14 The State party submits that, when charges were brought against the husband of Fatma Yildirim, the Public Prosecutor and the investigating judge were faced with a situation where the reported threat was not followed by physical force. On the basis of the information available to the investigating judge, an interim injunction appeared sufficient to protect Fatma Yildirim. Furthermore, the State party submits that Irfan Yildirim was socially integrated and did not have a criminal record. It asserts that Irfan Yildirim's basic rights (such as the presumption of innocence, private and family life, right to personal freedom) would have been directly violated had he been detained.

8.15 The State party maintains that it would have been possible for the author to file a complaint at any time against the Public Prosecutor for his/her conduct pursuant to section 37 of the Public Prosecutors Act.

8.16 The State party asserts that its system of comprehensive measures[d] aimed at combating domestic violence does not discriminate against women and the authors' allegations to the contrary are unsubstantiated. Decisions, which appear to be inappropriate in retrospect (when more comprehensive information is available) — are not discriminatory *eo ipso*. The State party maintains that it complies with its obligations under the Convention concerning legislation and implementation and that there has been no discernable discrimination within the meaning of the Convention against Fatma Yildirim.

8.17 In the light of the above, the State party asks the Committee to reject the present communication as inadmissible; *in eventu*, to reject it for being manifestly ill founded and, *in eventu*, to hold that the rights of Fatma Yildirim under the Convention have not been violated.

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[d] To illustrate the effectiveness of the measures, which are applied, the State party submits the statistics on prohibition orders to enter the common home and other legal measures.

Authors' comments on the State party's request for a review of admissibility and submission on the merits

9.1 By their submission of 30 November 2006, the authors argue that neither the victim's child nor the authors intended to have statutory provisions reviewed by the Constitutional Court — a motion that would be deemed inadmissible. They would have lacked standing to bring such an action before the Constitutional Court. The authors note that the main focus of the communication is that legal provisions were not applied — not that those provisions should be amended or repealed. Furthermore, the authors claim that their suggestions for improvements to the existing laws and enforcement measures could never be realized by means of a constitutional complaint. Therefore, bringing a constitutional complaint should not be regarded as a domestic remedy for purposes of article 4, paragraph 1 of the Optional Protocol.

9.2 The authors point out that the State party referred to amendments of legal provisions that entered into force years after the murder of Fatma Yildirim.

9.3 The authors argue that the State party has not taken responsibility for the failures of the authorities and officers. The State party remains of the view that it would have been a disproportionate violation of Irfan Yildirim's rights to arrest and detain him because he had no criminal record and was socially integrated. The authors assert that the State party should have conducted a comprehensive assessment of how dangerous Irfan Yildirim would become and considered the numerous threats and attacks that he had made. As to his being socially integrated, the authors note that Irfan Yildirim was not an Austrian citizen and he would have lost his residence permit if he were no longer married to Fatma Yildirim. Furthermore, the State party should have considered the social and psychological circumstances of the case.

9.4 The authors dispute the State party's contention that there was no adequate reason to detain Irfan Yildirim. The authors submit that the risk that he would commit the same or a similar offences would have justified detention. This case shows that any place may become a crime scene when a dangerous offender is involved. The authors consider that the exclusive use of civil remedies was therefore inappropriate because they do not prevent very dangerous violent criminals from committing or repeating offences.

9.5 The authors draw attention to the fact that a spokesperson for the Minister of Justice said in a television interview in June 2005 that "in a retroactive view" the Public Prosecutor assessed the case wrongly in failing to request that Irfan Yildirim be placed in detention.

9.6 The authors draw attention to flaws in the system of protection. One such flaw is that the police and public prosecutors are unable to communicate with each other rapidly enough. Another such flaw is that police files regarding domestic violence are not made available to the officers who operate the emergency call services. The authors also complain that systematically coordinated and/or institutionalized communication between the Public Prosecutor's Office and the Family Court does not exist. They also maintain that government funding remains inadequate to provide extensive care for all victims of domestic violence.

9.7 The authors argue that it would not be reasonable to expect victims of violence to provide in an emergency all information that may be relevant considering their mental state. Furthermore, regarding the instant case, German was not Fatma Yildirim's mother tongue. The authors maintain that the authorities should gather data about dangerous violent offenders in a systematic manner that can be retried anywhere in an emergency.

The State party's supplementary observations

10.1 By its submission of 19 January 2007, the State party submits that on 21 October 2005, the Vienna Regional Civil Court dismissed the liability claim of Melissa Özdemir (represented by her father Rasim Özdemir), minor daughter of Fatma Yildirim. The Court found no unlawful or culpable action on the part of the competent State organs. The Vienna Court of Appeal confirmed the decision on 30 May 2006 and the decision thus became final.

10.2 The State party states that Fatma Yildirim would have been entitled to bring a complaint under section 37 of the Public Prosecutor's Act (Staatsanwaltschaftsgesetz) to either the head of the Public Prosecutor's Office in Vienna, the Senior Public Prosecutor's Office or the Federal Ministry of Justice, had she considered the official actions of the responsible Public Prosecutor to have been unlawful. There are no formal requirements and complaints may be filed in writing, by e-mail or by fax or telephone.

10.3 The State party indicates that an interim injunction for protection against domestic violence may be sought by persons who live or have lived with a perpetrator in a family relationship or a family-like relationship under section 382b of the Act on the Enforcement of Judgments, when there have been physical attacks, threats of physical attacks or any conduct that severely affects the mental health of the victim and when the home fulfils the urgent accommodation needs of the applicant. The perpetrator may be ordered to leave the home and the immediate surroundings and prohibited from returning. If further encounters become unacceptable, the perpetrator may be banned from specifically defined places and given orders to avoid encounters as well as contact with the applicant so long as this does not infringe upon important interests of the perpetrator. In cases where an interim injunction has been issued, the public security authorities may determine that an expulsion order (Wegweisung) is also necessary as a preventive measure.

10.4 The State party states that interim injunctions can be issued during divorce proceedings, marriage annulment and nullification proceedings, during proceedings to determine the division of matrimonial property or the right to use the home. In such cases, the interim injunction is valid for the duration of the proceedings. If no such proceedings are pending, an interim injunction may be issued for a maximum of three months. An expulsion and prohibition to return order expires after 10 days but is extended for another 10 days if a request for an interim injunction is filed.

Review of admissibility

11.1 In accordance with rule 71, paragraph 2 of its rules of procedure, the Committee has re-examined the communication in light of all the information made available to it by the parties, as provided for in article 7, paragraph 1, of the Optional Protocol.

11.2 As to the State party's request to review admissibility on the grounds that Fatma Yildirim's heirs did not avail themselves of the procedure under article 140, paragraph 1 of the Federal Constitution, the Committee notes that the State party has not introduced new arguments that would alter the Committee's view that, in light of its abstract nature, this domestic remedy would not be likely to bring effective relief.

11.3 As to the State party's reference to the liability proceedings pursued by Melissa Özdemir, the surviving minor daughter of Fatma Yildirim, the Committee notes that both the decision of the First Instance Court of 21 October 2005 and the decision of the Appeals Court of 31 March 2006 were taken after the authors submitted the communication to the Committee and the communication was registered. The Committee notes that the Human Rights Committee generally makes an assessment of whether an author has exhausted domestic remedies at the time of its consideration of a communication in line with other international decision-making bodies, save in exceptional circumstances, the reason being that "rejecting a communication as inadmissible when domestic remedies have been exhausted at the time of consideration would be pointless, as the author could merely submit a new communication relating to the same alleged violation".[e] In this connection, the Committee on the Elimination of Discrimination against Women draws attention to rule 70 (inadmissible communications) of its rules of procedure, which allows it to review inadmissibility decisions when the reasons for inadmissibility no longer apply. Therefore, the Committee on the Elimination of Discrimination against Women will not revise its admissibility decision on this ground.

11.4 As to the State party's contention that it would have been possible for Fatma Yildirim to bring a complaint under section 37 of the Public Prosecutor's Act, the Committee considers that this remedy — designed to determine the lawfulness of official actions of the responsible Public Prosecutor — cannot be regarded as a remedy which is likely to bring effective relief to a woman whose life is under a dangerous threat, and should thus not bar the admissibility of the communication.

11.5 The Committee will proceed to consideration of the merits of the communication.

Consideration of the merits

12.1.1 As to the alleged violation of the State party's obligation to eliminate violence against women in all its forms in relation to Fatma Yildirim in articles 2 (a) and (c) through (f), and article 3 of the Convention, the Committee recalls its general recommendation 19 on violence against women. This general recommendation addresses the question of whether States parties can be held accountable for the conduct of non-State actors in stating that "… discrimination under the Convention is not restricted to action by or on behalf of Governments …" and that "[U]nder general international law and specific human rights covenants, States may also be responsible for private acts if they fail to act with due diligence to prevent violations of rights or to investigate and punish acts of violence, and for providing compensation".

12.1.2 The Committee notes that the State party has established a comprehensive model to address domestic violence that includes legislation, criminal and civil-law remedies, awareness raising, education and training, shelters, counselling for victims of violence and work with perpetrators. However, in order for the individual woman victim of domestic violence to enjoy the practical realization of the principle of equality of men and women and of her human rights and fundamental freedoms, the political will that is expressed in the aforementioned comprehensive system of Austria must be supported by State actors, who adhere to the State party's due diligence obligations.

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[e] See communication No. 1085/2002, *Abdelhamid Taright, Ahmed Touadi, Mohamed Remli* and *Amar Yousfi v. Algeria*, views adopted on 15 March 2006, para. 7.3 and communication No. 925/2000, Kuok Koi v. Portugal, decision of inadmissibility adopted on 22 October 2003, para. 6.4.

12.1.3 In the instant case, the Committee notes the undisputed sequence of events leading to the fatal stabbing of Fatma Yildirim, in particular that Irfan Yildirim made continuous efforts to contact her and threatened by phone and in person to kill her, despite an interim injunction prohibiting him from returning to the couple's apartment, the immediate surroundings and her workplace as well as from contacting her, and regular police interventions. The Committee also notes that Fatma Yildirim made positive and determined efforts to attempt to sever ties with her spouse and save her own life — by moving out of the apartment with her minor daughter, establishing ongoing contact with the police, seeking an injunction and giving her authorization for the prosecution of Irfan Yildirim.

12.1.4 The Committee considers that the facts disclose a situation that was extremely dangerous to Fatma Yildirim of which the Austrian authorities knew or should have known, and as such the Public Prosecutor should not have denied the requests of the Police to arrest Irfan Yildirim and place him in detention. The Committee notes in this connection that Irfan Yildirim had a lot to lose should his marriage end in divorce (i.e. his residence permit in Austria was dependent on his staying married) and that this fact had the potential to influence how dangerous he would become.

12.1.5 The Committee considers the failure to have detained Irfan Yildirim as having been in breach of the State party's due diligence obligation to protect Fatma Yildirim. Although, the State party maintains that, at that time — an arrest warrant seemed disproportionately invasive, the Committee is of the view, as expressed in its views on another communication on domestic violence that the perpetrator's rights cannot supersede women's human rights to life and to physical and mental integrity.[f]

12.1.6 While noting that that Irfan Yildirim was prosecuted to the full extent of the law for killing Fatma Yildirim, the Committee still concludes that the State party violated its obligations under article 2 (a) and (c) through (f), and 3 of the Convention read in conjunction with article 1 of the Convention and general recommendation 19 of the Committee and the corresponding rights of the deceased Fatma Yildirim to life and to physical and mental integrity.

12.2 The Committee notes that the authors also made claims that articles 1 and 5 of the Convention were violated by the State party. The Committee has stated in its general recommendation 19 that the definition of discrimination in article 1 of the Convention includes gender based violence. It has also recognized that there are linkages between traditional attitudes by which women are regarded as subordinate to men and domestic violence. At the same time, the Committee is of the view that the submissions of the authors of the communication and the State party do not warrant further findings.

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[f] See paragraph 9.3 of the Committee's views on communication No. 2/2003, A. T. v. Hungary.

12.3 Acting under article 7, paragraph 3, of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, the Committee on the Elimination of Discrimination against Women is of the view that the facts before it reveal a violation of the rights of the deceased Fatma Yildirim to life and to physical and mental integrity under article 2 (a) and (c) through (f) and article 3 of the Convention read in conjunction with article 1 and general recommendation 19 of the Committee and makes the following recommendations to the State party:

(a) Strengthen implementation and monitoring of the Federal Act for the Protection against Violence within the Family and related criminal law, by acting with due diligence to prevent and respond to such violence against women and adequately providing for sanctions for the failure to do so;

(b) Vigilantly and in a speedy manner prosecute perpetrators of domestic violence in order to convey to offenders and the public that society condemns domestic violence as well as ensure that criminal and civil remedies are utilized in cases where the perpetrator in a domestic violence situation poses a dangerous threat to the victim; and also ensure that in all action taken to protect women from violence, due consideration is given to the safety of women, emphasizing that the perpetrator's rights cannot supersede women's human rights to life and to physical and mental integrity;

(c) Ensure enhanced coordination among law enforcement and judicial officers; and also ensure that all levels of the criminal justice system (police, public prosecutors, judges) routinely cooperate with non-governmental organizations that work to protect and support women victims of gender-based violence;

(d) Strengthen training programmes and education on domestic violence for judges, lawyers and law enforcement officials, including on the Convention on the Elimination of All Forms of Discrimination against Women, general recommendation 19 of the Committee, and the Optional Protocol thereto.

12.4 In accordance with article 7, paragraph 4, the State party shall give due consideration to the views of the Committee, together with its recommendations, and shall submit to the Committee, within six months, a written response, including any information on any action taken in the light of the views and recommendations of the Committee. The State party is also requested to publish the Committee's views and recommendations and to have them translated into the German language and widely distributed in order to reach all relevant sectors of society.

C. Views of the Committee in respect of communication No. 7/2005*

Decision of the Committee on the Elimination of Discrimination against Women under the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (thirty-ninth session)

Submitted by:	Cristina Muñoz-Vargas y Sainz de Vicuña
Alleged victim:	The author
State party:	Spain
Date of communication:	30 July 2004 (initial submission)
Document references:	Transmitted to the State party on 24 February 2005 (not issued in document form)

The Committee on the Elimination of Discrimination against Women, established under article 17 of the Convention on the Elimination of All Forms of Discrimination against Women,

Meeting on 9 August 2007

Adopts the following:

Decision on admissibility

1. The author of the communication dated 30 July 2004 is Cristina Muñoz-Vargas y Sainz de Vicuña, a Spanish national who claims to be a victim of a violation by Spain of articles 2 (c) and 2 (f)[a] of the Convention on the Elimination of All Forms of Discrimination against Women. The author is represented by counsels, Carlos Texidor Nachón and Jose Luis Mazón Costa.[b] The Convention entered into force for the State party on 4 February 1984 and its Optional Protocol on 6 October 2001. A declaration was made by Spain on ratification that the ratification of the Convention shall not affect the constitutional provisions concerning succession to the Spanish crown.

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* The following members of the Committee participated in the examination of the present communication: Ferdous Ara Begum, Magalys Arocha Dominguez, Meriem Belmihoub-Zerdani, Saisuree Chutikul, Mary Shanthi Dairiam, Cees Flinterman, Naela Mohamed Gabr, Françoise Gaspard, Violeta Neubauer, Pramila Patten, Silvia Pimentel, Fumiko Saiga, Heisoo Shin, Glenda P. Simms, Dubravka Šimonović, Anamah Tan, Maria Regina Tavares da Silva and Zou Xiaoqiao. The text of two individual opinions, one signed by Magalys Arocha Dominguez, Cees Flinterman, Pramila Patten, Silvia Pimentel, Fumiko Saiga, Glenda P. Simms, Anamah Tan and Zou Xiaoqiao and the other one signed by Mary Shanthi Dairiam are appended to the present document.

[a] The author is inconsistent with regard to her references to articles. She refers to article 2 (c) alone, to article 2 (f) alone at other times and to both articles in the annexes.

[b] The lawyers Carlos Texidor Nachón and Jose Luis Mazón Costa were also the representatives of Mercedez Carrion Barcaiztegui (Spain), who submitted a communication to the Human Rights Committee under the Optional Protocol to the International Covenant on Civil and Political Rights, alleging discrimination in succession to the titles of nobility, on 8 March 2001 (communication No. 1019/2001). The Human Rights Committee declared the case inadmissible (30 March 2004).

The facts as presented by the author

2.1 The author is the first-born daughter of Enrique Muñoz-Vargas y Herreros de Tejada, who held the nobility title of "Count of Bulnes".

2.2 In accordance with article 5 of the Decree/Law on the order of succession to titles of nobility of 4 June 1948, the first-born inherits the title, but a woman inherits the title only if she does not have any younger brothers. According to the historical rules of succession, men are given primacy over women in the ordinary line of succession to titles of nobility.

2.3 The author's younger brother, José Muñoz-Vargas y Sainz de Vicuña, succeeded to the title upon the death of their father on 23 May 1978. On 30 December 1978, he requested that the royal decree of succession be issued. The decree was issued on 3 October 1980.

2.4 On 30 December 1988, the author, as first-born, initiated legal action against her younger brother, José Muñoz-Vargas y Sainz de Vicuña, claiming the title of "Countess of Bulnes", basing her claim on the principle of equality and non-discrimination on the basis of sex proclaimed in article 14 of the Constitution of Spain of 1978[c] and article 2 (c) and (f) of the Convention on the Elimination of All Forms of Discrimination against Women. The author argued that she had the greater right to inherit the title of nobility as the first-born child of the former holder of the title, and that article 5 of the Decree/Law on the order of succession to titles of nobility of 4 June 1948 should have been interpreted in the light of the principle of equality and non-discrimination on the basis of sex as stated in article 14 of the Spanish Constitution. The author referred to a judgement by the Constitutional Court of 2 February 1981 finding that norms that had entered into force prior to the Spanish Constitution had to be interpreted in accordance with the Constitution and that incompatible norms had to be repealed. She further referred to a ruling by the Supreme Court of 27 July 1981 finding that the precedence for males in succession to titles of nobility was discriminatory and therefore unconstitutional. She also referred to a ruling by the Supreme Court of 7 December 1988 finding that the Spanish Constitution was applicable to the succession of titles of nobility.

2.5 The Madrid Court No. 6 of First Instance dismissed the author's claim on 10 December 1991. It considered the historical principle of male precedence in succession to nobility titles to be compatible with the principle of equality and non-discrimination on grounds of sex contained in article 14 of the Spanish Constitution. Furthermore, the title had been given to the author's brother before the entry into force of the 1978 Constitution, and the Constitution was not applicable to the Civil Code that regulated that issue.

2.6 The author filed an appeal with the Eighteenth Section of the Provincial High Court of Madrid, which dismissed the appeal on 27 September 1993, on the same grounds as the Madrid Court No. 6 of First Instance.

2.7 The author appealed to the Supreme Court (*recurso de casacion*). After a date for a hearing had been set, she requested that it be rescheduled as her lawyer could not attend owing to sickness. The Supreme Court did not accede to her request and dismissed her appeal on 13 December 1997. The Supreme Court ruled that, although it had previously found that male precedence in succession to titles of nobility was discriminatory and unconstitutional, judgement 126/1997 of the Constitutional Court, of 3 July 1997, reversed that jurisprudence. That judgement established that male primacy in the order of succession to titles of nobility, provided for in the laws of 4 May 1948 and 11 October 1820, was neither discriminatory nor unconstitutional since article 14 of the Spanish Constitution, which guaranteed equality before the law, was not applicable in view of the historical and symbolic nature of those titles.

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[c] The Spanish Constitution entered into force on 29 December 1978.

2.8 The author appealed to the Constitutional Court (*recurso de amparo*) against the judgement of the Supreme Court on both procedural and substantive grounds. The author claimed that article 14 of the Constitution should have been applied to the succession to the title even if the Constitution had not yet entered into force at the time of the death of her father. The author stressed that the title had been transmitted to her brother through royal decree after 29 December 1978, that is, after the date of the entry into force of the 1978 Constitution. She also claimed that the Supreme Court judgement violated article 6, paragraph 1 and article 14 of the Convention for the Protection of Human Rights and Fundamental Freedoms and article 1 of its Protocol as well as articles 1, 2 and 15 of the Convention on the Elimination of All Forms of Discrimination against Women.

2.9 By a decision of 20 May 2002, the Constitutional Court set aside the judgement of the Supreme Court of 13 December 1997 as a violation of the fundamental right to an effective defence and sent it back to the Supreme Court for reconsideration.

2.10 On 17 September 2002, the Supreme Court issued a new judgement denying the author's claims. The judgement reiterated that the Civil Code regulated the succession to titles of nobility. It also noted that, since the date of reference, 23 May 1978 — the date of the father's death — preceded the entry into force of the 1978 Constitution, the issue of the applicability of article 14 of the Constitution did not arise. The Supreme Court also referred to the decision of the Constitutional Court of 3 July 1997 finding that, given the honorary and historic nature of titles, the laws of 1948 and 1820 determining male precedence with regard to the succession to titles of nobility upon death in the same line and degree were not contrary to article 14 of the Spanish Constitution.

2.11 On 17 October 2002, the author lodged a new *amparo* appeal before the Constitutional Court claiming, among other things, that the judgement of the Supreme Court of 17 September 2002 violated article 14 of the Constitution and articles 1, 2, and 15 of the Convention on the Elimination of All Forms of Discrimination against Women.

2.12 On 24 March 2003, the Constitutional Court rejected her *amparo* appeal for lack of constitutional content.

The complaint

3.1 The author claims that the State party discriminated against her on the basis of sex by denying her right, as the first-born child, to succeed her late father to the title of Count of Bulnes. She alleges that male primacy in the order of succession to titles of nobility constitutes a violation of the Convention in general, and specifically of its article 2 (f). She asserts that Spain has an obligation under the Convention to amend or revise the laws of 4 May 1948 and 11 October 1820 which establish male primacy in the order of succession to titles of nobility.

3.2 As to admissibility of the communication, the author claims that she has exhausted all domestic remedies. She contends that, by virtue of judgement 126/1997 of the Constitutional Court of 3 July 1997, which definitely settled the matter of male primacy in succession to titles of nobility, no *amparo* appeal on the question could be successful, thereby rendering such a remedy ineffective.

3.3 The author requests the Committee to find a violation of the Convention, and to direct the State party to provide her with an effective remedy as well as to revise the discriminatory legislation.

The State party's observations on admissibility

4. By submission of 4 August 2005, the State party requests that the communication be rejected as inadmissible. It asserts that the same question has already been examined by the Human Rights Committee in its communications 1008/2001 and 1019/2001.

The author's comments on the State party's observations on admissibility

5.1 By submission of 25 October 2005, the author acknowledges that similar cases have been brought before the Human Rights Committee but claims that the scope of the right to equality under article 26 of the International Covenant on Civil and Political Rights is not the same as the right to equality under the Convention, in particular article 1 and article 2 (f). She contends that the Convention has been designed with the overall aim of eradication, once and for all, of discrimination suffered by women in every field, even in relation to a *nomen honoris*. She further contends that the view of the Human Right Committee that discrimination suffered by women in the succession to titles of nobility was outside the scope of article 26 of the International Covenant on Civil and Political Rights was not relevant. According to the author, the Convention does not place any limitations on the right to equality in any field, including the social, economic, civil and political fields. For that reason, she argues that her communication is admissible.

5.2 The author reiterates her request that the Committee direct the State party to repeal legislation, rules and customs that support a greater right of males over females in the succession to titles of nobility. The author contends that the fact that draft legislation on equality between men and women in the order of succession to titles of nobility has been presented to the Parliament was further confirmation that male preference over females was discriminatory.

Additional information provided by the author on admissibility

6. On 20 July 2006, the author submitted additional information about the legislation on succession to titles of nobility, which had been published in the *Boletín Oficial de las Cortes Generales* on 4 July 2006. The legislation would apply only to those proceedings which remained pending at any level on 27 July 2005, the date on which the draft law had to be presented to the Congress of Deputies. The author argues that the new legislation would not be applicable to her because her case had been definitively settled by the Constitutional Court prior to that date. She claims that the fact that the law would not apply retroactively to the time that the Convention entered into force for Spain was, in itself, a violation of the Convention.

The State party's further submission on admissibility

7.1 By its submission of 3 August 2006, the State party disputes the admissibility of the communication, arguing that the author failed to exhaust domestic remedies, that the same matter has been examined under another procedure of international investigation or settlement and that the communication is inadmissible *ratione temporis*.

7.2 With respect to the exhaustion of domestic remedies, the State party asserts that a *recurso de amparo* lodged by the applicant was still ongoing before the Constitutional Court. The State party submits that such a remedy would indeed be an effective one. The State party also challenges the author's allegation that decision 126/1997 of the Constitutional Court, of 3 July 1997, made a *recurso de amparo* on her question of succession to titles of nobility an ineffective remedy. It submits that the jurisprudence of the Constitutional Court was not static and that it evolved with the times. The State party therefore considers that the Constitutional Court could revise its jurisprudence in the light of the social reality of the moment or in the light of changes in its composition. The State party notes that the author did not allege that this remedy was unreasonably prolonged.

7.3 The State party further notes that, with the enactment of the new legislation pertaining to succession to titles of nobility, the author would benefit from an additional domestic remedy. The State party maintains that this new law, once it enters into force, will apply to the author's case because her legal proceedings (*recurso de amparo*) are ongoing and the new law will apply retroactively to all legal proceedings that remain pending as at 27 July 2005. It further considers that the entry into force of the new law may also influence the Constitutional Court in the resolution of the author's pending *recurso de amparo*.

7.4 The State party further contends that the communication is inadmissible in accordance with article 4, paragraph 2 (a) of the Optional Protocol, as the same matter has already been examined under another procedure of international investigation or settlement. Specifically, the Human Rights Committee examined two similar cases (communications 1008/2001 and 1019/2001) in which the applicants claimed that the law governing succession to titles of nobility was discriminatory as male descendants were given preference as heirs to the detriment of women. The State party notes that in both cases the Human Right Committee found the complaints incompatible *ratione materiae* with the International Covenant on Civil and Political Rights and declared the communications inadmissible for the reason that titles of nobility lay outside the underlying values behind the principles of equality before the law and non-discrimination protected by article 26 of the International Covenant. The State party therefore asserts that titles of nobility constitute neither a human right nor a fundamental freedom according to article 1 of the Convention, in conjunction with article 2 of the Optional Protocol. The State party further alleges that the same matter has also already been examined by the European Court of Human Rights[d] with a similar finding, that the complaint is incompatible *ratione materiae* with the Convention for the Protection of Human Rights and Fundamental Freedoms. It finally argues that the fact that parliament (*Cortes Generales*) is examining a draft law about the matter does not constitute a recognition of a violation of the State party's international obligations under the Convention on the Elimination of All Forms of Discrimination against Women. The doctrine and case law indicate that the right to succeed to a title of nobility is neither a human right nor a fundamental freedom and is outside the scope of application of human rights instruments (the International Covenant on Civil and Political Rights and the Convention on the Elimination of Discrimination against Women). According to the State party, succession to titles of nobility is a "natural right" subject to other types of regulation. Therefore, the drafting of a new law was not within the scope of the State party's international obligations pertaining to the equality of men and women.

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[d] See *De la Cierva Osorio De Moscoso and others v. Spain*, communications 41127/98, 41503/98, 41717/98 and 45726/99, decision of inadmissibility, 28 October 1999, in which the Court reiterates that article 14 concerns only discrimination affecting the rights and freedoms guaranteed by the Convention and its Protocols. It has found that the applicants' complaints are incompatible with the Convention *ratione materiae*.

7.5 The State party also argues that the facts that are the subject of the communication occurred prior to the entry into force of the Optional Protocol for Spain on 6 October 2001, as well as prior to the entry into force of the Convention itself. It further argues that the possession of a title of nobility is without legal effects. The State party thus submits that the author's communication is inadmissible in accordance with article 4, paragraph 2 (e) of the Optional Protocol.

The author's further comments on the State party's further observations on admissibility

8.1 The author submits that the State party's belief that her *amparo* appeal remained pending before the Constitutional Court may be based on a misinterpretation of the relevant part of her communication. The Court had indeed rejected her *amparo* appeal on 24 March 2003, for lack of constitutional content. Since then, the author had not lodged any other appeal. Even if such an appeal were pending, the author would claim that it would not constitute an effective remedy. While the Constitutional Court might change its case law, such a change could not affect the author as her case has been definitely litigated, and no appeal was available to revive or revisit the matter for reasons that the case law had changed. Therefore, the author reiterates that she has exhausted all available domestic remedies.

8.2 The author asserts that she will not be able to benefit from any additional procedures under the new legislation on succession to titles of nobility as the law will not be applicable in her case. As it had been recognized by the State party, the new legislation will apply retroactively only to those cases which were still pending as at 27 July 2005. Her case was closed with the rejection of her *amparo* appeal by the Constitutional Court on 24 March of 2003.

8.3 The author reiterates that the two communications brought before the Human Rights Committee were based on article 26 of the International Covenant on Civil and Political Rights (right to equality), which was more restrictive than articles 1 and 2 (f) of the Convention. The purpose of the Convention is to eradicate discrimination suffered by women in all spheres of life, without any limitations (article 1). Therefore, the same matter has not been examined under another procedure of international investigation or settlement. For the same reasons, the petition brought before the European Court of Human Rights should also not be considered as the same matter as a communication brought before the Committee on the Elimination of Discrimination against Women.

8.4 The author maintains that the new law was an implicit and explicit recognition that the current acts were discriminatory as its sole purpose was to eradicate the inequality between women and men pertaining to the transmission of titles of nobility and to be in line with the Convention, as explained in its preamble. No measures have, however, been taken by the State party to remedy discrimination already suffered, as in her case.

8.5 The author argues that her communication is not inadmissible *ratione temporis* since her case was still pending when the Optional Protocol entered into force for Spain in 2001. It became *res judicata* on 24 March 2003. Furthermore, she claims that the effects of the discrimination continued to the present time and rejects the State party's allegation that titles of nobility do not entail any type of privilege.

Supplementary observations by the author

9. In a submission of 8 November 2006, the author states that the law on equality between men and women on succession to titles of nobility has been published in the official bulletin on 31 October 2006 and would enter into force on 20 November 2006. She reiterates that, in the light of its transitional provisions, the new law would not be applicable to her case. The author claims that since the new law does not provide for an effective remedy for cases that had been definitively adjudicated before 27 July 2005, the State party is in violation of the Convention.

Supplementary submissions of the State party

10. By its submission of 16 November 2006, the State party reiterates that the same matter has already been examined by the Human Right Committee. It also contends that legal certainty made it necessary to avoid a situation in which all titles of nobility would be open to re-examination, especially since titles of nobility were devoid of legal or material content, as had been stated by the Constitutional Court, the Human Rights Committee and the European Court of Human Rights. By its submission of 22 December 2006, the State party confirms the entry into force of the law on equality between men and women on succession to titles of nobility and reiterates that the time criteria established for the retroactive application of the law was reasonable and necessary to avoid a state of legal uncertainty.

Issues and proceedings before the Committee concerning admissibility

11.1 In accordance with rule 64 of its rules of procedure, the Committee shall decide whether the communication is admissible or inadmissible under the Optional Protocol.

11.2 In accordance with rule 66 of its rules of procedure, the Committee may decide to consider the question of admissibility and merits of a communication separately.

11.3 The Committee notes that the State party claims that the communication is inadmissible in accordance with article 4, paragraph 2 (e) of the Optional Protocol since the facts that are the subject of the communication occurred prior to the entry into force of the Optional Protocol for Spain on 6 October 2001, as well as prior to the entry into force of the Convention for Spain on 4 February 1984. The author challenges that argument because her case was still pending when the Optional Protocol entered into force for Spain and became *res judicata* on 24 March 2003 with the rejection by the Constitutional Court of her *amparo* appeal. The Committee notes the State party's assertion that the possession of a title of nobility is without legal effect. It also notes that the author claims that the effects of the discrimination continued to the present time and that the author rejects the State party's allegation that titles of nobility do not entail any type of privilege.

11.4 The Committee shall declare a communication inadmissible under article 4 paragraph 2 (e) of the Optional Protocol where the facts that are the subject of the communication occurred prior to the entry into force of the present Protocol for the State party concerned unless those facts continued after that date. In other words, the Committee cannot consider the merits of alleged violations that took place before the Optional Protocol entered into force for the State party, unless such alleged violations continue after the entry into force of the Optional Protocol.[e]

11.5 The rationale behind article 4 paragraph 2 (e) is that a treaty is not applicable to situations that occurred or ceased to exist prior to the entry into force of the treaty for the State concerned. The Committee notes that the author's complaint of sex-based discrimination stems from the succession of her younger brother to the title by royal decree of succession issued on 3 October 1980 following the death of their father on 23 May 1978. The Committee notes that this event took place at a time when the Convention had not yet entered into force internationally and well before it was ratified by the State party on 4 February 1984. Neither had the Optional Protocol been adopted. It considers that the relevant fact — and thus determination of the point in time in connection with article 4 paragraph 2 (e) — is when the right to succession to the title of the author's father was vested in the author's brother. That date was on 3 October 1980 when the royal decrees of succession was issued. The Committee considers that this event, which was the basis of the author's complaint, occurred and was completed at the time of the issuance of the decree and as such was not of a continuous nature. The Committee further notes her brother succeeded to the title in accordance with legislation that was valid at the time. Therefore, the Committee considers that any effect that the discrimination against women that Spanish legislation of the time enshrined may have had on the life of the author would not justify a reversal of the royal decree of succession at the present time. For all these reasons, the Committee can only conclude that the facts that are subject of the communication occurred prior to the entry into force of the Optional Protocol for the State party and were not of a continuous nature. Consequently, the Committee declares the communication inadmissible *ratione temporis*, article 4, paragraph 2 (e) of the Optional Protocol.

11.6 The Committee sees no reason to find the communication inadmissible on any other grounds.

11.7 The Committee therefore decides:

(a) That the communication is inadmissible *ratione temporis* under article 4, paragraph 2 (e) of the Optional Protocol;

(b) That this decision shall be communicated to the State party and to the author.

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[e] In communication No. 871/1999, the Human Rights Committee stated that "a persistent violation is understood to mean the continuation of violations which the State party committed previously, either through actions or implicitly".

Appendix

Individual opinions by Committee Members Magalys Arocha Dominguez, Cees Flinterman, Pramila Patten, Silvia Pimentel, Fumiko Saiga, Glenda P. Simms, Anamah Tan, Zou Xiaoqiao (concurring)

Although we agree with the conclusion that the communication is inadmissible, we disagree with the majority in relation to the reasons for inadmissibility. In our opinion, the communication should have been declared inadmissible under article 4, paragraph 2 (b) of the Optional Protocol because it is incompatible with the provisions of the Convention.

In accordance with article 4, paragraph 2 (b) of the Optional Protocol, a communication shall be declared inadmissible where it is incompatible with the provisions of the Convention. We note that the communication relates to a woman who, under the then existing legislation that has since been amended, was unable to succeed to a title of nobility involving a hereditary title, whereas her younger brother was. We recall that the Convention on the Elimination of All Forms of Discrimination against Women protects women's right to be free from all forms of discrimination, commits States parties to ensuring the practical realization of the principle of equality of women and men and sets out the normative standards of such equality and non-discrimination in all fields. To that end, the Convention provides a comprehensive definition of discrimination against women which shall mean "any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field" (article 1). It is undisputed in the present case that the title of nobility in question is of a purely symbolic and honorific nature, devoid of any legal or material effect. Consequently, we consider that claims of succession to such titles of nobility are not compatible with the provisions of the Convention, which are aimed at protecting women from discrimination which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women on a basis of equality of men and women, of human rights and fundamental freedoms in all fields. We therefore conclude that the author's communication is incompatible with the provisions of the Convention pursuant to article 4, paragraph 2 (b) of the Optional Protocol.

(*Signed*) Magalys Arocha **Dominguez**

(*Signed*) Cees **Flinterman**

(*Signed*) Pramila **Patten**

(*Signed*) Silvia **Pimentel**

(*Signed*) Fumiko **Saiga**

(*Signed*) Glenda P. **Simms**

(*Signed*) Anamah **Tan**

(*Signed*) Zou **Xiaoqiao**

Individual opinion by Committee member Mary Shanthi Dairiam (Dissenting)

At its meeting on 9 August 2007, the Committee on the Elimination of All Forms of Discrimination against Women (the Committee) decided to rule communication No. 7/2005 inadmissible under article 4 of the Optional Protocol. Under this communication, the author claims that the State party discriminated against her on the basis of sex by denying her right as the first-born child to succeed her late father to the title of Count of Bulnes. She alleged that male primacy in the order of succession in titles of nobility constitutes a violation of the Convention in general, and specifically of article 2 (f) of the Convention. The Committee's decision made by a slim majority stated that the complaint is inadmissible *ratione temporis* under article 4, paragraph 2 (e) of the Optional Protocol. There was a concurring opinion that also found the said communication inadmissible but under article 4, paragraph 2 (b), stating that the communication is incompatible with the provisions of the Convention.

The Committee is of the view that the author's complaint of sex-based discrimination is inadmissible *ratione temporis* because it stems from the succession of the author's younger brother to the title by royal decree of succession issued on 3 October 1980 following the death of their father on 23 May 1978, all of which took place before the entry into force of the Optional Protocol for Spain on 6 October 2001, as well as prior to the entry into force of the Convention for Spain on 4 February 1984. The Committee expresses the view that the event of the succession of her brother to the title of nobility occurred and was completed on 3 October 1980 at the time of the issuance of the decree and was not of a continuous nature.[a] The Committee did not see it as necessary to find any other grounds for inadmissibility so the question of whether the communication was incompatible with the provisions of the Convention is left untouched.

The concurring opinion refers to article 1 of the Convention, which defines discrimination as "**any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field**". The view expressed is that titles to nobility are purely symbolic and honorific, devoid of any legal or material effect. Consequently claims of titles to nobility are not compatible with the provisions of the Convention as denial of such claims do not nullify or impair the exercise by women of human rights and fundamental freedoms.

I am of the view that the communication is admissible. The issue here is one of deciding both on the compatibility of the communication with the provisions of the Convention as well as on the continuing nature of the violation. While it is true that the succession of the author's younger brother to the title by royal decree of succession occurred before the entry into force of the Optional Protocol for Spain, as well as prior to the entry into force of the Convention, it has to be ascertained whether this event has been affirmed subsequently post entry into force of the Convention and its Optional Protocol by an act or implication (refer to footnote 1).

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[a] The Committee has relied on the Human Rights Committee's jurisprudence that states that a continuing violation is to be interpreted as an affirmation, after the entry into force of the Optional Protocol, by act or by clear implication of the previous violation of the State party, to interpret article 4, paragraph 2 (e) of the Optional Protocol to the Convention.

First of all I acknowledge that the right to titles of nobility is not a fundamental human right and may not be of much material consequence to the author. However, the legislation and practice of States parties must in no way and in no context provide for a differential treatment of women and men in a manner that establishes the superiority of men over women and concomitantly, the inferiority of women as compared to men. This is what the law of 4 May 1948 and 11 October 1820 does. The author in her compliant has submitted that she filed a case in the Madrid Court and an appeal in the Provincial High Court claiming the title of Countess of Bulnes basing her claim on the principle of equality and non-discrimination on the basis of sex proclaimed in article 14 of the Constitution of Spain. These cases were dismissed on 10 December 1991 and 27 September 1993 respectively on the grounds that the historical principle of male precedence in succession to nobility titles was compatible with the principle of equality. In my view, the decision of the courts could be interpreted to mean that such historical principles were above the norm of equality guaranteed in the Constitution. The courts were also of the view that the title had been given to her brother before the entry into force of the 1978 Constitution, and the Constitution was not applicable to the Civil Code that regulated that issue.

I wish to point out that these decisions by the courts of Spain were made after Spain became party to the Convention and in spite of a judgment by the Supreme Court of 2 February 1981 that norms that had entered into force prior to the Spanish Constitution had to be interpreted in accordance with the Constitution. The author's appeal to the Supreme Court (recurso de casacion) was dismissed on 13 December 1997. This judgment of the Supreme Court established that male primacy in the order of succession to titles of nobility, provided for in the laws of 4 May 1948 and 11 October 1820 was neither discriminatory nor unconstitutional since article 14 of the Spanish Constitution which guaranteed equality before the law, was not applicable in view of the historical and symbolic nature of those titles (para. 2.7 of the text of the Committee's decision). The author has further pointed out that there was another Supreme Court judgment on 17 September 2002 denying her claim. This Supreme Court judgment also referred to a decision 126/1997 of the Constitutional Court of July 1997 finding that given the honorary and historic nature of titles, the laws of 1948 and 1820 determining male precedence with regard to the succession to titles of nobility upon death in the same line and degree were not contrary to article 14 of the Spanish Constitution (para. 2.10 of the text of the Committee's decision). The author lodged an *amparo* appeal with the Constitutional Court which was rejected on 24 March 2004 (para. 2.12 of the text of the Committee's decision).

What needs to be noted in all of this is that when Spanish law, enforced by Spanish courts, provides for exceptions to the constitutional guarantee for equality on the basis of history or the perceived immaterial consequence of a differential treatment, it is a violation, in principle, of women's right to equality. Such exceptions serve to subvert social progress towards the elimination of discrimination against women using the very legal processes meant to bring about this progress, reinforce male superiority and maintain the status quo. This should neither be tolerated nor condoned on the basis of culture and history. Such attempts do not recognize the inalienable right to non-discrimination on the basis of sex which is a stand alone right. If this right is not recognized in principle regardless of its material consequences, it serves to maintain an ideology and a norm entrenching the inferiority of women that could lead to the denial of other rights that are much more substantive and material.

As acknowledged, the title to nobility is certainly not a human right. In fact under different circumstances such social hierarchies should not be supported. The focus of my defense here is not the right of the author to a nobility title but to recognize the element of discrimination against women that takes place in the distribution of social privileges using the law and legal processes. The author maintains that she was right in her view of the discriminatory nature of the law of succession to nobility titles as the State party has now amended this law in 2006 to give equal rights of succession to women and men.

The Human Rights Committee in its General Comment No. 28 on equality of rights between men and women has stated,

> "Inequality in the enjoyment of rights by women throughout the world is deeply embedded in tradition, history and culture, including religious attitudes."

This statement reminds us that the ideology of the subordination of women based on history, culture and religion has manifested itself in material ways creating inequality. The entire intent and spirit of the Convention is the elimination of all forms of discrimination against women and the achievement of equality for women. In pursuing this goal, the Convention recognizes, in article 5 (a), the negative effects of conduct based on culture, custom, tradition and the ascription of stereotypical roles that entrench the inferiority of women. The Convention sees this as an impediment to the pursuit of equality for women that has to be eradicated in the conduct of both public and private agents. The immediate material consequence of such patterns of behaviour does not have to be demonstrated. Because of its mandate, the Committee on the Elimination of Discrimination against Women, more than any other treaty body, must be broad in its interpretation and recognition of the violations of women's right to equality, going beyond the obvious consequences of discriminatory acts and recognizing the dangers of ideology and norms that underpin such acts. A textual reading of article 1 of the Convention as seen in the concurring opinion, stating that claims of titles to nobility are not compatible with the provisions of the Convention as denial of such claims do not nullify or impair the exercise by women of human rights and fundamental freedoms, does not take into account the intent and spirit of the Convention. I therefore conclude that the complaint is compatible with the provisions of the Convention.

On the question of the continuing nature of the violation, I am of the view that there have been affirmations of the previous violation after the entry into force of the Optional Protocol for Spain on 6 October 2001. Hence the violation is of a continuous nature. The issuance of the royal decree of succession and the conferring of the title of nobility to the author's brother, which was the basis of the author's complaint, took place on 3 October 1980 before the entry into force of the Convention and the Optional Protocol. But in my opinion this violation was not completed then, as the decision of the Committee finds. The author had initiated legal action with regard to the conferring of the nobility title on 30 December 1988 and this had been followed by a series of appeals all of which the author lost. The last of the two appeals at the Supreme Court and the Constitutional Court were dismissed on 17 September 2002 and 24 March 2003, respectively. These dismissals need to be seen as affirming the previous violation of the State party by an act[b] as they continued to deny the claim of the author to the title of nobility and affirmed male primacy in the order of succession to titles of nobility, provided for in the laws of 4 May 1948 and 11 October 1820. They further affirm that these laws were neither discriminatory nor unconstitutional since article 14 of the Spanish Constitution which guaranteed equality before the law, was not applicable in view of the historical and symbolic nature of those titles. A similar basis for deciding on continuing violation where a previous violation is subsequently affirmed through a court judgment is supported by the jurisprudence of the Human Rights Committee.[c] On this basis my conclusion is that the violation which is the basis of the author's complaint is of a continuing nature.

I therefore find the complaint admissible both *ratione materiae* and *ratione temporis*.

The author has requested that the Committee find a violation of the Convention and to direct the State party to provide her with an effective remedy as well as to revise the discriminatory legislation.

With regard to the author's request, I find that there is a violation of the Convention in general. As for her request for reform of the discriminatory legislation concerned, the State party has already done this. Her request for an effective remedy may not be granted. I acknowledge there was discrimination against the author in the Spanish legislation of the time, but this would not justify a reversal of the royal decree in the present time. Hopefully the author will feel vindicated that she was indeed discriminated against.

(*Signed*) Mary Shanthi **Dairiam**

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[b] Ibid.

[c] See *Nallaratnam Singarasa v. Sri Lanka*. Case No. 1033/2001. Views adopted on 21 July 2004, *Alexander Kouidis v. Greece*. Case No. 1070/2002. Views adopted on — March 2006.

Annex VIII

Report of the Working Group on Communications under the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women on its ninth session

1. The Working Group on Communications under the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women held its ninth session from 5 to 7 February 2007. Magalys Arocha Dominguez, Cees Flinterman, Pramila Patten and Anamah Tan attended the session. Dorcas Coker-Appiah did not attend.

2. Ms. Tan was elected Chairperson of the Working Group. Mr. Flinterman was elected Vice-Chairperson.

3. The Working Group adopted its agenda as set out in the annex.

4. The Working Group discussed correspondence that had been received by the secretariat since its eighth session and reviewed the status of five pending communications. It discussed correspondence from an author who had requested that her case be reopened, and decided that the grounds for inadmissibility still applied and that the author should be so informed. The Working Group also turned down one request for interim measures.

5. The Working Group continued to review its working methods, which should henceforth take into account the work being undertaken by the human rights treaty bodies to harmonize their working methods. It held a discussion of a number of rules of procedure that might need revision.

6. The Working Group held a preliminary discussion on reservations related to individual communications and used the report of the meeting of the Working Group on Reservations (HRI/MC/2007/5) as its starting point.

7. The Working Group noted that the databases of Netherlands Institute of Human Rights (http://sim.law.uu.nl) and the human rights index (http://www.universalhumanrightsindex.org/) developed by the Institute of Public Law of the University of Bern, Switzerland, provided access to collections of information on human rights, including decisions of human rights treaty bodies under individual complaints procedures.

Action taken

8. The Working Group:

(a) Decided that its tenth session would be held from 18 to 20 July 2007 and adopted the provisional agenda for that session;

(b) Registered communications 12/2007, 13/2007 and 14/2007;

(c) Requested its secretariat to make arrangements for it to hold an informal two-day session, with one day of interpretation, for work on draft recommendations on communications, to be held immediately following the thirty-eighth session of the Committee;

(d) Requested its secretariat to provide, as might be relevant, monthly updates on new correspondence received as well as on the status of pending cases. The secretariat should also provide the Working Group at its tenth session with statistical information on correspondence received and cases registered, by region and country;

(e) Recommended that the Committee appoint Ms. Tan and Ms. Patten as Rapporteurs on follow-up to the views on communication 4/2004, *Ms. A.S. v. Hungary*;

(f) Recommended that the Committee request the United Nations Secretariat to make continuous efforts to further disseminate information about and develop training materials, including leaflets and checklists, on the Optional Protocol, in cooperation with entities of the United Nations system, including regional commissions and United Nations country teams;

(g) Recommended that the Committee consider amending its rules of procedure as follows:

(i) *Rule 60*. In paragraph 1, replace the word "may" with the word "shall";

(ii) *Rule 63*. In paragraphs 2, 3 and 4, delete the words "or rapporteur";

(iii) *Rule 64*. In paragraph 2, replace the words "provided that it is composed of five members and all of the members so decide" with the words "provided that all members eligible to participate so decide";

(iv) *Rule 69*. Throughout the rule, replace the words "explanation or statement" with the words "explanations or statements" in order to bring the rule into line with article 6, paragraph 2, of the Optional Protocol.

Annex

Agenda of the ninth session of the Working Group

1. Election of officers.
2. Adoption of the agenda and organization of work.
3. Review of steps and activities undertaken since the last session.
4. Review and discussion of working methods.
5. Update of communications.
6. Any other matters.
7. Adoption of the provisional agenda and dates for the tenth session of the Working Group, and of the report of the Working Group on its ninth session.

Annex IX

Report of the Working Group on Communications under the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women on its tenth session

1. The Working Group on Communications under the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women held its tenth session from 18 to 20 July 2007. All members attended the session.

2. The Working Group adopted its agenda as set out in the annex.

3. The Working Group discussed correspondence that had been received by the Secretariat since its ninth session and reviewed the status of eight pending communications.

4. The Working Group discussed its working methods in relation to the transfer of the servicing of the Committee and the Working Group to the Office of the United Nations High Commissioner for Human Rights in Geneva in order to facilitate a smooth transition.

5. The Working Group stressed the importance for its work of the provision of translation services and interpretation in all working languages of its members so that it can function properly.

6. The Working Group discussed the need to give consideration to the formulation and format of future dissenting and concurring opinions to decisions and views adopted by the Committee in order to ensure that those opinions reflected the views of individual members and not of the Committee.

7. The rapporteurs on follow-up to the views on communication 4/2004, *Ms. A. S. v. Hungary*, Ms. Anamah Tan and Ms. Pramila Patten, briefed the Working Group on the latest submission of the State party submitted in response to the Committee's request for further information.

Action taken

8. The Working Group:

(a) Decided that its eleventh session would be held from 9 to 11 January 2008 and adopted the provisional agenda for that session;

(b) Requested the Secretariat to add a section to its note to the Working Group for each session to cover academic and other commentary on the decisions and views of the Committee with respect to communications;

(c) Requested the Secretariat to indicate, under the section of its note to the Working Group on correspondence received, whether incoming letters came from individuals or organizations;

(d) Reminded the Secretariat to implement the Working Group's earlier requests, as follows:

(i) That it be provided, as might be relevant, with monthly updates on new correspondence received as well as on the status of pending cases;

(ii) That it be provided with statistical information on correspondence received and cases registered, by region and by country;

(e) Suggested that the Committee discuss the formulation and format of future dissenting and concurring opinions to decisions and views adopted by the Committee, drawing upon the experience of other treaty bodies. It stressed that dissenting and concurring opinions should be published simultaneously with the decisions and views of the Committee;

(f) Requested the Division for the Advancement of Women to convey to the Office of the United Nations High Commissioner for Human Rights the Working Group's request for a thorough briefing by the petitions team about its work, about the servicing of treaty bodies regarding communications and about the procedures for routing correspondence to various staff members within the Office of the High Commissioner for Human Rights who work on communications, petitions and appeals. The Working Group would like the briefing to take place during its first meeting in Geneva;

(g) Recommended that the Committee request the Office of the United Nations High Commissioner for Human Rights to budget for outreach and training activities on the Optional Protocol procedure and allocate sufficient human and financial resources to carry out capacity-building activities on the submission of communications for relevant stakeholders, including women's organizations, lawyers' associations and other interested civil society actors. It also recommended that the Committee request that the Division for the Advancement of Women continue to disseminate information on the Convention and its Optional Protocol.

Annex
Agenda of the tenth session of the Working Group

1. Adoption of the agenda and organization of work.
2. Review of steps and activities undertaken since the last session.
3. Review and discussion of working methods.
4. Update of communications.
5. Any other matters.
6. Adoption of the provisional agenda and dates for the eleventh session of the Working Group, and of the report of the Working Group on its tenth session.

Annex X

Request for extension of the meeting time of the Committee on the Elimination of Discrimination against Women

Programme budget implications of draft decision 39/I submitted in accordance with rule 23 of the rules of procedure of the Committee on the Elimination of Discrimination against Women

I. Requests contained in the draft decision

1. By its draft decision 39/I, the Committee on the Elimination of Discrimination against Women would request the General Assembly to:

(a) Authorize the Committee on the Elimination of Discrimination against Women to hold three annual sessions of three weeks each, with a one-week pre-session working group for each session, in the biennium 2008-2009 and beyond;

(b) Authorize the Committee to meet, as a temporary measure in the biennium 2008-2009, for up to seven days in parallel chambers during one of its annual sessions for the purpose of considering reports of States parties submitted under article 18 of the Convention;

(c) Authorize the Committee to hold one of the three annual sessions at the United Nations Headquarters in New York to facilitate and encourage ongoing cooperation between the Committee and the United Nations gender equality bodies.

II. Relationship of the proposed decision to the biennial programme plan and priorities for the period 2008-2009 and the programme of work contained in the proposed programme budget for the biennium 2008-2009

2. The activities to be carried out relate to programme 1, General Assembly and Economic and Social Council affairs and conference management, subprogramme 2, Supporting human rights bodies and organs, of programme 19, Human Rights; and subprogramme 4, Support services, of programme 24, Management and support services, of the biennial programme plan and priorities for the period 2008-2009. They also fall under section 2, General Assembly and Economic and Social Council affairs and conference management; section 23, Human Rights; and section 28D, Office of Central Support Services, of the proposed programme budget for the biennium 2008-2009.

3. Provisions have been made in the proposed programme budget for the biennium 2008-2009 for travel and per diem costs of the 23 members of the Committee on the Elimination of Discrimination against Women to attend its two annual regular sessions of 15 working days each and, for each session, a five-day pre-session working group meeting, and the cost of attendance at two annual meetings of the Working Group on Communications under the Optional Protocol, as well as for substantive, conference and support services to the Committee, the pre-session working group and the Working Group on Communications.

4. The General Assembly, in its resolution 60/230 of 23 December 2006, authorized the Committee to hold a third annual session in 2006 and 2007 as a temporary measure, and to meet in parallel chambers during its third annual session in 2006 and its first and third annual sessions in 2007 on an exceptional and temporary basis. The related one-time additional provisions were included in the programme budget for the biennium 2006-2007.

III. Activities by which the requests would be implemented

5. The additional annual session, and meetings in parallel chambers, called for in the draft decision, referred to in paragraph 1 above would allow the Committee to consider a greater number of States parties' reports annually. Prior to resolution 60/230, which authorized the Committee in 2006-2007: (a) to hold three annual sessions of three weeks each, with a one-week pre-sessional working group for each session, two annual sessions of the Working Group on Communications under the Optional Protocol; and (b) to meet for up to seven days in parallel working groups during three of its six sessions during 2006 and 2007, the Committee considered the reports of 16 States parties annually. During 2006 and 2007, the Committee would have considered the reports of 69 States parties (31 in 2006 and 38 in 2007) and would have been able to eliminate a significant amount of the accumulated backlog of reports awaiting review.

6. By its decision 36/1, the Committee anticipated that effective and timely implementation of all of its responsibilities beyond the biennium 2006-2007 would require that it be provided with extended meeting time in 2008 and beyond. During its thirty-seventh session, the Committee undertook an assessment of the status of submission of reports under article 18 of the Convention, and in particular of the remaining backlog of reports awaiting consideration, the projected future availability of reports, as well as the Committee's request to States parties with very long overdue initial reports to submit those within a given time frame. The Committee concluded that this workload, together with its other responsibilities under the Convention and those under the Optional Protocol to the Convention make it necessary that the Committee be provided with the opportunity to hold three annual sessions, at least one of which with parallel working group. This extended meeting time would ensure that the Committee could eliminate the backlog of reports waiting consideration, which now stands at 27; ensure that incoming reports are considered in a timely manner; enhance its efforts at ensuring that monitoring of the Convention in States parties with long overdue reports is undertaken; and discharge of all its other responsibilities under the Convention and the Optional Protocol.

7. In 2008-2009, a staff member at the P-4 level would serve as Secretary of the Committee, assisted by one General Service (Other level). In addition, the incumbents of one P-4, one P-3 and one P-2 posts would provide substantive support for the work of the Committee and for the Optional Protocol to the Convention. In order to support the additional workload of the Committee consequent on three sessions, in particular in view of the additional time, that would be required for preparations for the consideration of State parties reports during the Committee's sessions in the biennium 2008-2009, general temporary assistance resources, equivalent to 12 work-months at the P-3 level, would also be required to assist with:

(a) Analysis of States parties' reports on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women, drawing upon prior reports, and other relevant information, in particular from United Nations sources;

(b) Preparation of draft lists of issues and questions on States parties' reports under consideration by the Committee;

(c) In-session support to Committee experts in the preparation of draft concluding comments on States parties' reports; and

(d) Provision of substantive support, especially during the session of the Committee with parallel working groups.

8. The current mandate of the Committee is to meet twice per year for three weeks each time. A one-week pre-session working group would precede each session. The Working Group on Communications under the Optional Protocol is currently convened twice a year, for a total of up to 10 days. The session meetings would require interpretation services in all six official languages and the pre-session working group meetings would require interpretation services in English, French and Spanish only. The total documentation required for translation into all six official languages is estimated at 6,600 pages for pre-session, 800 pages for in-session, and 800 pages for post-session relating to the two three-week sessions each year of the biennium, and a total of 800 pages for post-session documentation relating to the two one-week sessions each year of the pre-session working group for the biennium. Summary records would be provided for all the meetings of the Committee, with the exception of the pre-session working group meetings.

9. Should the draft decision be adopted, it would entail one additional three-week session in each year of the biennium on a recurrent basis, which would require interpretation services in all six official languages. On a temporary basis, the parallel working groups during one of the three annual sessions in 2008-2009, would also require interpretation services in all six official languages. The additional one-week pre-session working group meeting to be held prior to the additional three-week session would require interpretation services in English, French and Spanish only. The total additional documentation required for translation into all six official languages is estimated at 3,000 pages for pre-session, 400 pages for in-session, and 400 pages for post-session relating to the one additional three-week session each year of the biennium; a total additional 560 pages for pre-session, 105 pages for in-session, and 105 pages for post-session relating to the parallel working groups for the 2008-2009 biennium only; and a total additional 400 pages for post-session documentation relating to the additional one-week pre-session working group meeting each year of the biennium. Summary records would be provided for all the meetings of the Committee, with the exception of the pre-session working group meetings.

10. Should the draft decision be adopted, the exact dates for all the meetings of the Committee, consisting of three three-week annual sessions of the Committee, three one-week annual pre-session working group meetings and three parallel working group meetings to be held in 2008-2009, will be determined by consultation between the substantive secretariat and the Department for General Assembly and Conference Management, subject to the availability of conference facilities and services.

11. With regard to paragraph (c) of the draft decision, in which the Committee would request the General Assembly's authorization to hold one of the three annual sessions at United Nations Headquarters in New York, the Committee's attention is drawn to paragraph 4 of resolution 40/243 whereby the General Assembly reaffirms the United Nations bodies shall plan to meet at their respective established headquarters.

IV. Modifications required in the programme of work and the proposed programme budget for the biennium 2008-2009

12. The adoption of the draft decision would result in modifications in the number of meetings and reports cited in the programme of work contained in the proposed programme budget for the biennium 2008-2009. In the narrative of section 23, subprogramme 2, Supporting human rights bodies and organs, of document A/62/6 (Sect. 23), paragraph 23.66 (a) (xvi) would be revised as follows:

Paragraph 23.66

(a) (xvi) Committee on the Elimination of Discrimination against Women

a. Substantive servicing of meetings. *Replace* "Committee plenary and chamber meetings (60 meetings per year). (120);" with "Committee plenary and chamber meetings (104 meetings per year). (208);"

b. Parliamentary documentation. *Replace* "lists of issues and questions (38 reports annually). (76);" with "lists of issues and questions (31 reports annually). (62);"

V. Estimated resource requirements

A. Conference-servicing requirements

13. It is estimated that additional conference-servicing requirements of $14,597,600 would arise under section 2, General Assembly and Economic and Social Council affairs and conference management, of the proposed programme budget for the biennium 2008-2009. The table below provides the details of these requirements.

Additional conference-servicing requirements for: I. Plenary meetings; II. Pre-session working groups; and III. Plenary parallel meetings [temporary]

	I. Plenary session meetings 2008-2009	*II. Pre-session working groups 2008-2009*	*III. Plenary parallel meetings 2008-2009**	*Total 2008-2009*
I. Meetings servicing	464 000	73 100	216 600	**753 700**
II. Pre-session documentation	6 370 300	—	2 389 200	**8 759 500**
III. In-session documentation	890 400	—	467 300	**1 357 700**
IV. Post-session documentation	890 400	518 700	467 300	**1 876 400**
V. Summary records	1 243 300	—	580 500	**1 823 800**
VI. Other conference services	14 600	4 900	7 000	**26 500**
Total	**9 873 000**	**596 700**	**4 127 900**	**14 597 600**

* One-time provision for 2008-2009.

B. Non-conference-servicing requirements

Section 23, Human rights

14. It is also estimated that additional resources of $680,900 for travel, per diem and terminal expenses for the members of the Committee to attend a third annual session of three weeks in New York in each year of the biennium 2008-2009, with a one-week pre-session working group meeting for each session, effective from January 2008, would be required under section 23, Human rights, of the proposed programme budget for the biennium 2008-2009. Provision for general temporary assistance equivalent to 12 work-months at the P-3 level, estimated at $150,000 is also required under section 23, Human rights.

Section 28D, Office of Central Support Services

15. An additional amount of $35,100 would be required to provide for contractual services of sound technicians to service the additional sessions and meetings of the pre-session working group.

16. Should the Committee adopt the draft decision, the total additional requirements relating to the additional sessions of the Committee and the pre-session working group meetings would amount to $15,463,600 enumerated in the table below.

	2008	2009	Total
	(United States dollars)		
Section 23, Human rights			
Travel, per diem and terminal expenses	340 450	340 450	680 900
General temporary assistance	75 000	75 000	150 000
Subtotal	**415 450**	**415 450**	**830 900**
Section 2, General Assembly and Economic and Social Council affairs and conference management			
Meetings servicing, interpretation and documentation	7 298 800	7 298 800	14 597 600
Section 28D, Office of Central Support Services			
Common support services	17 500	17 600	35 100
Total	**7 731 750**	**7 731 750**	**15 463 600**

VI. Contingency fund

17. It will be recalled that, under the procedures established by the General Assembly in its resolutions 41/213 of 19 December 1986 and 42/211 of 21 December 1987, a contingency fund is established for each biennium to accommodate additional expenditure derived from legislative mandates not provided for in the programme budget. Under this procedure, if additional expenditure were proposed that exceeded the resources available from the contingency fund, the activities concerned would be implemented only through the redeployment of resources from low-priority areas or the modification of existing activities. Otherwise, such additional activities would have to be deferred to a later biennium.

VII. Summary

18. **Should draft decision 39/I be adopted by the Committee, additional resources in the total amount of $15,463,600 would be required under the proposed programme budget for the biennium 2008-2009, including $830,900 under section 23, Human rights, $14,597,600 under section 2, General Assembly and Economic and Social Council affairs and conference management, and $35,100 under section 28D, Office of Central Support Services. This would represent a charge against the contingency fund and, as such, would require additional appropriations for the biennium 2008-2009 to be approved by the General Assembly at its sixty-second session.**

19. **The General Assembly would also be required to approve the proposed modifications to the outputs to be incorporated into the programme of work of section 23, Human rights, of the proposed programme budget for the biennium 2008-2009 (A/62/6 (Sect. 23)) under subprogramme 2, Supporting human rights bodies and organs, paragraph 23.66 (a) (xvi).**

Annex XI

Statement by the Committee on the Elimination of Discrimination against Women on United Nations reform pertaining to the gender equality structure

The Committee has taken a consistent interest in the question of United Nations reform and in particular the discussion pertaining to the strengthening of the architecture for gender equality and empowerment of women. It notes that as of 1 January 2008, the Committee's servicing will be transferred from the Department of Economic and Social Affairs/Division for the Advancement of Women to the Office of the United Nations High Commissioner for Human Rights. The Committee is of the view that strong institutional linkages need to be safeguarded as well as reinforced between the Committee and the Division for the Advancement of Women, as well as any future United Nations gender equality architecture. The Committee emphasizes that the full implementation of the Convention on the Elimination of All Forms of Discrimination against Women should be made an integral part of the work of any gender equality structure within the United Nations reform process.

Annex XII

States parties which submitted their observations on the concluding comments adopted by the Committee on the Elimination of Discrimination against Women

The following States parties submitted observations on the concluding comments of the Committee on the Elimination of Discrimination against Women during the period 25 August 2006 (the closing date of the thirty-sixth session) and 10 August 2007 (the closing date of the thirty-ninth session): Chile, China, Mauritania.

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